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The
Indian Constitutional Reforms.

AS SANCTIONED

BY

The British Parliament

AND

Assented to by His Majesty the King-Emperor

WITH

A Foreward

By

The Hon: Sir Bipin Krishna Bose, Kt. C. I. E.

Nagpur.

BY

Rai Sahib Mathura Prasad, O. B. E.,
CHHINDWARA.

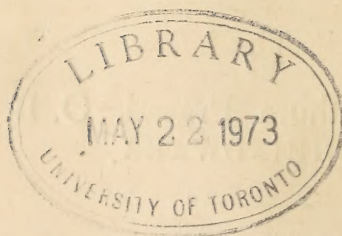
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Preface.

I have much pleasure in presenting to the public this brief summary of the Indian Constitutional Reforms shortly to be introduced in India. The Government of India Act, 1919, has not yet been published in book form and the Act of 1915-16, referred to in the new Law as the principal Act, has been considerably amended by certain sections of the new law. My sole object in publishing this book is to present to the reader a handy Compendium describing the new law as it affects the existing law, giving accurate and up-to-date information regarding the constitution of the chief machinery in England which controls and superintends the working of the Government of India and the Local Governments, explaining the existing system of Government and sketching the form that Government will assume when the new Reform Law comes into operation. The Introduction and the first chapter show the gradual evolutionary stages through which Council Government in this country has passed. I have drawn valuable help from the two volumes on "India Constitutional Documents" by Mr. P. Mukherjee, M. A. of the Presidency College, Calcutta.

I am very much indebted to Col: T. C Plowden, I. A., who is now acting as Commissioner of the Nurbuda Division and also to the Hon'ble Sir B. K Bose for the troubles taken by them in carefully reading and revising the manuscript copy.

CHHINDWARA,

1-9-1920

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MATHURA PRASAD.

If the position of a Head of a Province was difficult and arduous before the operation of the new scheme it will probably be still more so under the Act, and the success of the reforms inaugurated by that measure will depend in a large degree upon the tact, the sympathy and the impartiality of the Governor of the Province.

Lord Sinha.

Foreword.

BY

HON: SIR B. K. BOSE.

A great constitutional change in the government of the country is about to be introduced. Hitherto it has been ruled by an official agency charged by the Parliament with the duties of the administration and responsible to it alone for their due discharge. The Government of India Act, to which Royal assent has been given has declared progressive realization of responsible government, that is, government of the people by the people, as its final aim, and as a substantial step in this direction, it directs the immediate transfer to the control of the people of some very important departments of government, such as, education, local self-government, agriculture, industry &c. The method by which this object is to be attained in our Province as in other Provinces is by the creation of a Legislative Council in which the members with a very few necessary exceptions will be wholly elected by the people by a direct system of representation. The departments to be transferred to popular control are to be in charge of ministers to be chosen from the elected members of this Council and enjoying the confidence of the majority of them. Thus, the responsibility for the proper administration of the transferred subjects will in the first instance, rest with the popular ministers. They in their turn will, be responsible to the elected members of the Council, who again will be responsible to their constituents, that is, the people. Thus, final responsibility for good

government so far as the transferred subjects are concerned, will cease to be with the officers of government as now constituted and will rest on the shoulders of the people themselves. If any thing goes wrong here, they will have to thank themselves. For it is they who will choose the men who will speak and act for them in the Council and from among the men so chosen, will be appointed the ministers in immediate charge.

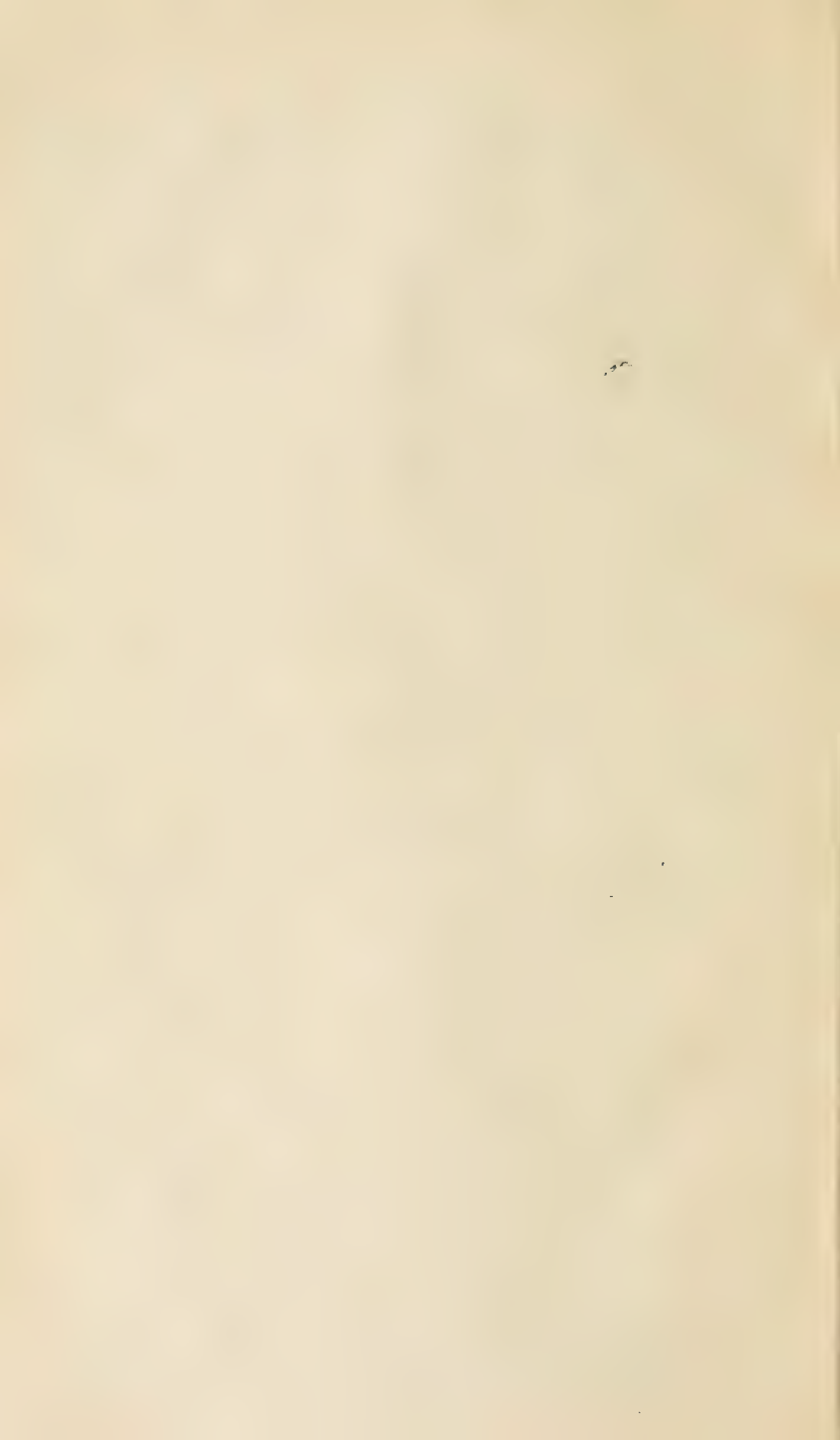
The ideas underlying this great change are altogether new to the vast majority of the people of these Provinces. A wide-spread and systematic propaganda will have to be carried on to make them understand the real situation and realise the great power for good or evil that will be placed in their hands.

As a first step towards this education of the people, they must be made to know something of the details of the various measures that have been adopted to give effect to the new policy. Rai Sahib Mathura Prasad does a great public service in undertaking to supply this necessary information by publishing in a convenient form a short history of the Reforms and the main provisions of the Act. He has also embodied in his booklet the historic royal proclamations issued from time to time, beginning with the proclamation of 1858 of the great and good Queen Victoria, and ending with the recent royal message of December 24th, 1919. The Rai Sahib intends to follow up the present attempt by issuing a short summary in the vernaculars of these Provinces. It need not be pointed out how essential it is that such an attempt to diffuse among the people a correct knowledge of the new order of things that

is to come into existence should be made. For, success will entirely depend on a right exercise of the powers and privileges given. As their right exercise means the election of the very best men as representatives, men whose sole aim will be to further the public good and whose sole claim to be elected will be their own intrinsic worth and their capacity for solid, useful constructive work. If wrong men, men who will not honestly work the scheme or will be swayed by personal considerations, be sent to the Council, the structure so laboriously to be built up will go to pieces, putting back the progress of the country for long years to come.

Nagpur,
10th July 1920. }

B. K. Bose



THE New Reform-Law.

INTRODUCTION

Now that the Indian Constitutional Reforms Act has received the assent of His Majesty the King-Emperor and has become the law of the land, it behoves every person in the country to study it carefully, since it will give birth to a new state of things revolutionising the present system of Government and imposing new and large powers and responsibilities on the people of India. It is the duty of the educated class not only to make themselves fully acquainted with the main provisions of the law but to educate their less fortunate countrymen, who are not versed in public affairs and who have not got easy access to the mass of literature issued on the subject since the historic declaration of 20th August, 1917, pledging the British Government to give India real self government. By this means they will be able in some measure at least to appraise the value of the reforms and to appreciate them. The subject being one of great complexity, it took more than two years to formulate proposals, devise ways and means and finally to frame a scheme consonant not only with the pledge so solemnly given but also with the requirements of the country. To facilitate the preliminary investigation the Right Hon'ble the Secretary of State, Mr. Montagu, came down to India and in collaboration with His Excellency the Viceroy, Lord Chelmsford, visited important centres and there interviewed men of light and leading representing all

shades of political thought. The result was finally embodied in a Joint Report, in which definite proposals were formulated to attain the end in view. In due course, a Bill to give effect to these proposals was prepared and introduced in the House of Commons and after it had been read a second time, was referred to a Joint Committee of both the Houses for report. This Committee examined a number of witnesses in England including members of various Deputations from India and after an exhaustive examination of the whole matter, introduced a revised Bill into the Parliament. The Bill was passed into law with a few verbal amendments

(2) Although the Act itself has not yet come into force, all Local Governments have been busy framing rules of procedure, making lists of electors, establishing constituencies and disposing of a lot of other work all of which must be completed before the provisions of the new law can come into operation. A knowledge of the salient provisions of the Act and a thorough acquaintance with its principal features are essential to ensure a proper appreciation of the nature and extent of the many important changes which the introduction of the new law will effect in the present system of government.

(3) The Government of India Act, 1915, has not been repealed in its entirety but some of its provisions have been modified and others repealed by the new enactment. Thus only a careful reading of both the enactments can give the reader a clear idea of the Central and Provincial Governments and of the machinery that exists in England for the purpose of supervising and controlling

the working of them. I have extracted from the 1915 enactment such matter as has still the force of the law and which it is necessary for the public to know. This matter considered along with the main features of the new law will give the reader a clear conception of the constitution of the various forms of government which will be established in this country consequent on the introduction of the new law.

(4) The pages of this pamphlet have been divided into four chapters as follows: —

Chapter I. Deals with the birth and gradual evolution of Executive Councils and Legislative Assemblies in India since the assumption of the Government of this country by the Crown.

Chapter II. Deals with the Sovereign Power, the British Parliament, the Secretary of State, the India Council, &c, &c.

Chapter III. Deals with the Central Government commonly called the Government of India, the Indian Legislature, the Governor-General, his Executive Council, &c.

Chapter IV. Deals with Provincial Governments, their Executive Councils and Legislative Councils, their powers and duties.

Chapter V. Miscellaneous matters.

(5) Speaking briefly, the Central Government or the Government of India which will consist of (a) the Governor-General and (b) his Executive Council, will be appointed by His Majesty the King-Emperor. The former receives a salary of Rs. 2,60,000/- per annum and each member of the Executive Council will draw an yearly salary of Rs.

80,000/- The term of office of the Governor-General will be five years but no limitation is placed on the period for which members of his Executive Council can hold office. The Government of India Act of 1915 fixed the number of the Governor General's Executive Council as six, but this provision having been deleted the number is now unlimited. But not less than three of such members must be Indians. There are certain powers and duties which the Governor-General can exercise and perform in his individual capacity without the aid of his Executive Council, and there are other matters which the Governor-General can only dispose of "in Council" with the advice of his Council. The Governor-General can over-rule his Council, but any two members of the Council have the right to demand that their views on any subject with which the Governor-General disagrees shall be forwarded to the Secretary of State for the consideration of His Majesty's Government. The Governor-General without his Executive Council is also empowered to veto any Act passed by the Indian or Provincial Legislature for certain reasons laid down in the Reform Act. He can also prohibit the introduction of any Bill or amendment to a Bill already introduced in the Indian Legislative or Provincial Legislative Council. His powers are, therefore, very great and extensive but they are to be exercised only in exceptional circumstances for the due discharge of his responsibilities. Section 25 of the new Act lays down that the estimated annual expenditure and revenue of the Governor-General in-Council shall be laid in the form of a statement before both the Chambers and all proposals for the appropriation of revenue or money relating to certain heads of expenditure specified in the aforesaid section shall be made by the Governor-General-in-Council. It will thus be seen that there are certain things which the Governor General is authorized to do or omit to do for the discharge of his own responsibilities and there are certain matters which shall be dealt with by the Governor-General of India-in-Council.

(6) An Indian Legislature for the whole of British India is to be established consisting of (a) the Governor General and (b) the two Chambers, namely, the Council of State and the Legislative Assembly. In order to give binding force to any Bill it must be passed by both Chambers and duly assented to by the Governor-General. A Bill passed by both Chambers need not be placed before the Governor-General's Executive Council. The assent of the Governor-General himself is sufficient to convert the Bill passed by both Chambers into law. Certain extraordinary powers are also given to the Governor-General by means of which he can, in case of persistent failure on the part of the Chambers to pass any legislation considered by him to be essential and expedient for the safety, tranquillity and interests of British India or any part thereof, declare that a Bill which has not been passed by the two Chambers shall become law or that a Bill which has been passed by the two Chambers shall not have the force of law. Every Act so passed on the strength of the certificate granted by the Governor-General must be laid before both Houses of Parliament as soon as possible and His Majesty the King-Emperor-in-Council has got the power of veto in all such cases. In other words, all action taken by the Governor-General by way of certification is liable to be critically examined and revised by the Secretary of State with the aid of Parliament, and His Majesty can be advised to follow a particular course either approving or disapproving of the action taken by the Governor-General in India.

(7) A brief account of the circumstances which brought the Council of State and the Legislative Assembly into existence may be useful. The original proposals of His Excellency the Viceroy and a section of public opinion in this country were for the establishment of two Chambers for all Provinces but eventually these proposals were dropped and it is now left to the Statutory Commission of enquiry, which will sit after the expiry of ten years, to report on "the question whether the establishment of Second Chambers of the local legislature is or is not desirable." (Section 41 (3) of the Reform Act). But provision has

been made for the establishment of two Chambers in the case of the Indian Legislature, according to which the Council of State shall consist of not more than 60 members, of whom not more than twenty shall be officials and the rest shall consist of non-officials elected and nominated according to the rules under the Act of 1915. These rules lay down that thirty-three shall be elected members in addition to one member who shall be a person nominated as the result of an election held in Berar. Including nominated members the total number of non-official members will thus be forty and that of the officials, twenty. An appreciable majority of non-official members over the official element is quite apparent. The number of elected members for the Legislative Assembly is fixed by Statute at 143 of whom twenty-six will be officials. But the rules to be made under the principal Act of 1915 can provide for an increase in the number of members of the Legislative Assembly, and they can also declare that the number so increased shall vary according to the proportion which the classes of members bear one to another, so that at least five-seventh of the members of the Assembly must be elected members and at least one-third of the remainder must be non officials. The principle of having a *substantial* majority of elected members is maintained in the Legislative Assembly but not in the Council of State. The Governor-General will not be the President of either Chamber. He will have the right of addressing the Council of State and the Legislative Assembly and he can summon the members thereof for this purpose. In the case of the State Council, the Governor-General will have the power of appointing a President from among the members thereof, and he can appoint even an official member to be its President. In the case of the Legislative Assembly, he is given the power to appoint a President who shall hold office for the first four years of the existence of the Council, or for 6 years if the Council is in sessions after the expiry of four years, but thereafter the members will have the right to elect their own President from among themselves with the approval of the Governor-General. The Deputy President must always be elected by the

Legislative Assembly and the election must be approved by the Governor-General. All Presidents of the Legislative Assembly, whether elected by the members thereof or appointed by the Governor-General, will receive remuneration for their services. The amount of such remuneration will be determined by the Governor-General in the case of a nominated President and by the Legislative Assembly in the case of an elected one. Every Council of State will exist for five years and the Legislative Assembly for three years but the Governor-General may dissolve either Chamber earlier or he may prolong their existence by extending the term of office of members thereof. It should be noted that certain matters are excluded from the jurisdiction of either Chamber of the Indian Legislature, details of these are given in section 25 of the new Act. The Governor-General is also empowered to exercise his discretion in appointing Council Secretaries from among the members of the Legislative Assembly and whenever this discretion is exercised, the salaried offices of President, Deputy President and Secretaries to the Council will be held by elected members of the Council. A member holding any of these offices must vacate it on ceasing to be a member of the Council.

(8) In addition to the legislative work, the Indian Legislature, i. e. the Council of State and the Legislative Assembly, are empowered to deal with the Indian Budget. The Governor-General makes the recommendations in the form of proposals for the appropriation of any revenue or money for any specific purposes and these proposals are submitted to the vote of the Legislative Assembly in the form of demands for grants, and the Assembly is given the power to give its unqualified assent or to refuse its assent with regard to any demand, or the amount of a particular demand may be reduced. But the power of finally accepting or declining to accept the vote of the Indian Legislature on any particular demand is vested in the Governor-General-in-Council. In cases of emergency the Governor-General is given the power to authorise the incurring of any expenditure which may, in his opinion, be considered necessary for the safety or tranquility of British India or

any part thereof. These are emergency powers and occasion for their exercise will probably be rare. It is important, however, to note that the Legislative Assembly is qualified by section 25 of the Indian Reform Act, to discuss only and not to vote with regard to any item of expenditure which may have been provided in the Indian Budget on the following heads:—

- (a) Interest and sinking fund charges on loans,
- (b) Expenditure of which the amount is prescribed by or under any existing law.
- (c) Salaries and pensions appointed by or with the approval of His Majesty or by the Secretary of State-in-Council.
- (d) Salaries of Chief Commissioners and Judicial Commissioners, and
- (e) Expenditure classified by the order of the Governor-General in-Council as Ecclesiastical, Political and Defence.

The Governor-General has, however, the power of directing that even these items of expenditure shall be subjected to the vote of the Legislative Assembly. It will be observed that the Indian Budget containing a statement of the estimated annual expenditure and revenue must be laid before both Chambers but it is subject to the vote of the Legislative Assembly only. This is of course a new provision for the submission of the Indian Budget to the vote of the Legislative Assembly on the understanding that this body will be constituted as a chamber reasonably representative in character and elected directly by suitable constituencies. (See Joint Committee's Report). The members of the Legislative Assembly will thus be quite free to criticise and vote the estimates for the expenditure of the Government of India with the exception of certain charges of a special nature. These will not be subjected to the process of voting. It is thus clear that all Bills must be submitted to the votes of both the Chambers and finally assented to by the Governor-General in order to become law, whereas the Indian Budget will not be submitted to the vote of the Council of State but it will

be dealt with purely by the Legislative Assembly for the reasons given by the Joint Committee in their Report. But the Legislative Assembly's vote with regard to any particular item of expenditure must meet with the approval and final sanction of the Governor-General. As it is not within the scheme of the Reform Act to introduce any measure of responsible government into the Central Administration, power has been reserved to the Governor General-in-Council of treating as duly sanctioned any expenditure which the Assembly refuses to vote if he considers the expenditure to be necessary for the fulfilment of his responsibilities for the good government of the country. It should be understood that this power is real and is meant to be used as and when necessary. (See Joint Committee's Report).

(9) The Provincial Administrations will enjoy under the Reform Act greater freedom of action and are given more solid work to do, transferring real responsibilities to members of the Council than is the case in the Government of India. The administration of every major and minor Province in India with the exception of the smaller Provinces of Delhi, Ajmere and Coorg, will be carried on by a Governor. There will be an Executive Council to assist the Governor in addition to a certain number of Ministers who will be appointed from among the elected members of the Legislative Council. The Governor will thus govern his Province in relation to reserved subjects with the help of his Executive Council and with regard to transferred subjects under the advice and with the co-operation of his Ministers. As already stated elsewhere all administrative and Legislative matters will be divided into Central and Provincial heads, the latter being further sub divided into reserved and transferred subjects. The lists of both these subjects have been prepared by Government on the recommendations of the Functions Committee. The Joint Committee desire that the relation of the two sides of the Government in this matter, as in all others, should be of such mutual sympathy that each will be able to assist and influence, for the common good, the work of the other but not to exercise control

over it. On the Governor personally will devolve the task of holding the balance between the legitimate needs of his two advisers.

(10) The size and shape of the Executive and Legislative Council will depend upon the extent of each Province, but it is understood that not less than half the members of the Executive Council are likely to consist of non-official Indians while the entire body of ministers will be drawn from the elected members of the Legislative Council. The Joint Committee are of opinion that in no Province will there be need for less than two Ministers, while in some Provinces more may be required. Ministers will not be appointed for any fixed period but will hold office during the pleasure of the Governor.

(11) The law lays down that in relation to transferred subjects the Governor will be guided by the advice of his Ministers unless he sees reason to dissent from their opinion, in which case he has full liberty of action. Ministers will have to bear in mind that their tenure of office is solely dependent upon the pleasure of the Governor, who may dispense with their services at any time if he finds that his policy is not in harmony with that of the Minister. Ministers must also not forget that the Legislative Council will control them and press them to follow a particular policy and in the event of any Minister refusing to do so they, can resort to the following courses:—

- (a) The Council may refuse to pay him the salary ordinarily drawn by a member of the Executive Council, on the ground of his continued inattention and failure to act according to the policy mapped out by the Council (See section 4 (1) of the Reform Act).
- (b) The Council may pass a vote of censure against the Minister.
- (c) The Council may appeal to and try to persuade the electorate not to return him at any ensuing election.

The last is a very remote contingency but a

Minister who is unpopular with his people and who does not carry on the administration of the subjects entrusted to his care according to their wishes, must be prepared to meet this fate at the time of fresh election. For some time after the formation of new Legislative Councils the position of Ministers will be insecure and if there is a serious conflict between the policy of the Governor which in some cases at least will be dictated to him by higher authorities and the policy favoured by the members of the Legislative Council in which there will be a large standing majority of non-officials, the Minister's position will be one of doubtful stability and his work will be rendered very difficult. There is no doubt that after the policy is once settled and agreed upon by the members of the Council and the Governor, the Minister will have a comparatively easy task and will be in a position to do some solid work which will give satisfaction to the Council in particular and the people of the Province in general.

(12) The Joint Committee are of opinion that the Ministers selected by the Governor to advise him on the transferred subjects should be elected members of the Legislative Council enjoying its confidence and capable of leading it. The Governor will thus have to select first class men for the appointment of Ministers. They will have to be qualified by education, position in life, experience in administration, and above all must be able to lead the Legislative Council of which they will continue to be members as well as as Ministers of the Crown. According to the opinion expressed by the Joint Committee in their Report a Minister will have the option of resigning if his advice is not accepted by the Governor and the Governor will have the ordinary constitutional right of dismissing a Minister whose policy he believes to be either seriously at fault or out of accord with the views of the Legislative Council. In the last resort the Governor can always dissolve his Legislative Council (Section 8 [1] [a] of the Reform Act) and choose new Ministers after a fresh election. If the Minister appointed by the Governor comes with a definite and settled policy given him by the Legis-

lative Council and the Governor does not see his way to agree with that policy, he may in such a case discharge his Ministers and also dissolve the Council, and if any new Minister appointed after the fresh election also advocates the same policy which was rejected by the Governor and which caused the dissolution of the Council, the Governor should "find himself able to accept the views of the new Ministers". This is the hope ardently expressed by the Joint Committee of the two Houses of Parliament

[13] One noteworthy feature in connection with the constitution of the Legislative Council is that the President, Deputy President and Council Secretaries and Ministers must all be persons with seats in the Council, and in all the Provinces of India the Governor will have the benefit of the advice and hearty co-operation of eminent Indians as his immediate councillors in administrative matters relating to reserved and transferred subjects. The suggestion of the Joint Committee is that half of the members of the Executive Council should be Indians, and so the Ministers as elected members of the Legislative Council are also likely to be Indians. There is thus no gainsaying that the introduction of a strong Indian element into the cabinet of the Local Administration will conduce very largely to a healthy development of the populer side of government.

[14] As regards freedom of speech and action of Ministers and members of the Executive Council the members of the Joint Committee remark as under:—

"In the debates of the Legislative Council members of the Executive Council should act together, but members of the Executive Council and Ministers should not oppose each other by speech or vote; members of the Executive Council should not be required to support either by speech or vote proposals of Ministers of which they do not approve, nor should Ministers be required to support by speech or vote proposals of the Executive Council of which they do not approve; they should be free to speak and vote for each other's proposals

when they are in agreement with them. All other official members of the Legislative Council should be free to speak and vote as they choose."

The above contains sound advice and wise suggestions and it is to be hoped that they will be adopted by those for whom they are intended. When there exists any disagreement between Ministers and the members of the Executive Council, whether it may be with regard to reserved or to transferred subjects, the members on either side are required to keep silent and not to vote directly against the other's proposals. But if there is perfect agreement between the views of both the parties, then each must support the other by speeches or votes as the occasion may require. The object of the advice given by members of the Joint Committee is to avoid friction between the two sets of active workers in the administrative cabinet. The idea is to promote feelings of co-operation and harmonious working for the common good of the country because both parties are interested in seeing that only such work as will bring prosperity and happiness to the people of the Province should be taken up. Experience will, however, show to what extent the above advice can be followed in actual practice.

(15) Regarding the duties, responsibilities and position of the Provincial Governor the members of the Joint Committee observe as under:-

"The position of the Governor will thus be one of great responsibility and difficulty, and also of great opportunity and honour. He may have to hold the balance between divergent policies and different ideals, and to prevent discord and friction. It will also be for him to help with sympathy and courage the popular side of his Government in their new responsibilities. He should never hesitate to point out to Ministers what he thinks is the right course and to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, Ministers should decide not to adopt his advice then, in the opinion of the

Committee, the Governor should ordinarily allow Ministers to have their way, fixing the responsibility upon them, even to veto any particular piece of legislation. It is not possible but that in India, as in all other countries, mistakes will be made by Ministers, acting with the approval of a majority of the Legislative Council, but there is no way of learning except through experience and by the realisation of responsibility."

The above contains a further proof of the earnest solicitude of the Joint Committee in dealing with the manner in which the Governor should conduct himself in all matters connected with the administration of transferred subjects, and if the recommendations made by the members of the select committee are followed the chances of friction between the Governor and his Ministers will be greatly reduced, and smooth working for the common good of the country will be assured. It should be noted that whatever scheme or policy Ministers may be required to lay before the Governor for adoption, it will generally be in accordance with a policy based upon the popular views and opinion of the majority of members of the Legislative Council whom he is required to lead, and this he will be unable to do unless he succeeds in forcing his policy upon the consideration of the Governor who must be very sympathetic, considerate and resourceful so as to be able to give his Ministers good advice and sound instructions for their guidance. Friction between the Ministers and the Provincial Governors on any matter of policy or details in working will be a most regrettable and unpleasant spectacle, likely to undermine the very fabric of popular administration which it is the object of the new law to confer upon the people of this country. And, therefore it has been rightly suggested that all persons appointed to the posts of Governors of Provinces should be thoroughly acquainted with the popular side of administrative work of assemblies.

(16] For every meeting, Council, Committee, gathering and Association there must be a President or

chairman A competent and capable man only should occupy such an exalted seat, since he has to regulate the proceedings of the meetings, maintain order, control speakers and prescribe the mode in which subjects are to be placed before the Council and resolutions moved therein. His duties are as manifold and difficult as they are important. There will be official members sitting in the Council, members imported from rural areas who will probably not be able to follow speeches in English and may only be able to express their ideas in vernacular; there will also be educated members returned by the urban areas and industrial and University constituencies. To give every member a fair chance of expressing his opinion in a frank and candid manner without being cried down by other members occupying higher positions will be the chief function of the President. In fact, he will be called upon to discharge the same duties and obligations as are at present performed by Provincial Governors and other Administrators in India when presiding over meetings of the Legislative Councils. The subject has been very adequately dealt with by the members of the Joint Committee whose opinion is quoted below:—

“The Committee have considered carefully the question who is to preside over the Legislative Council in the Provinces. They are of opinion that the Governor should not preside and they advise that, for a period of four years, the President should be appointed by the Governor. Wherever possible, it would be a great advantage if some one could be found for this purpose who had had parliamentary experience. The Legislative Council should itself select a Vice-President, and at the end of four years the nominated President would disappear, and the President and Vice-President would be elected by the Councils. The Committee attribute the greatest importance to this question of the Presidency of the Legislative council. It will, in their opinion, conduce very greatly to the successful working of the new councils if they are imbued from the commence-

ment with the spirit and coventions of parliamentary procedure and developed in the Imperial Parliament."

The first President will be appointed by the Governor but eventually the Council will have to exercise its right of electing a President from among the members of the Council. This is very significant and satisfactory. Probably the President will be a non-party man.

(17) Under the present constitution of the Legislative Councils, the Head of the Administration who is also a member must necessarily be the President of the Council, and as such is entitled to an independent vote, and in case of equality of votes he has the privilege of giving a second or casting vote. But in the new constitution he cannot be a member of the Council, as such membership is forbidden by Statute. He will, of course, have the right of addressing the Council and may require the attendance of members for this purpose. The non-official members of the Provincial Legislative Councils will thus have a free and independent atmosphere in which they will be quite at liberty to vote and speak on any subject which is before them in the way they consider proper. The Governor will not be present in the Council Chamber to influence his vote or to watch their proceedings. This is undoubtedly an improvement over the present system and the procedure for transacting business in meetings of the Legislative Council will be greatly facilitated. To have a non-official President for the Legislative Assembly with an overwhelming non-official majority is a great point which has been achieved by the enactment of the Reform Act. But the members should be fully alive to their heavy responsibilities, duties and obligations. They are given freedom of speech and thought and they should not be easily led away by misleading and erroneous opinion. It is of course expected that each member of the Council will act according to the dictates of his own conscience and free-will based upon a proper and conscientious discharge of his duties as a councillor.

(18) The total number of members constituting the Legislative Council for a Governor's Province will no

doubt vary according to the population, wealth and extent of the Province, but the proportion of official to elected members has been definitely fixed by Statute at a maximum of twenty per cent of the total number for official members, and a minimum of seventy per cent for elected members. The remaining 10 per cent is allotted for nominated members. The life of the Council will be three years commencing from the date of its first meeting but the Governor has the power of dissolving the Council earlier than the appointed date and also of extending its term. The present system of election to the Legislative Councils whereby elected members of local bodies only were competent to stand as candidates and to vote as electors has been condemned and there will now be direct election by the constituencies. This will no doubt involve heavy expenditure to the State and considerable inconvenience to the rate-payers in the rural areas but in all representative institutions in Europe and elsewhere direct voting is being adopted. The following table shows the strength of the Legislative Council of each Province and the possible number of electors according to the recommendations of the Southborough Committee:—

Province.	Total No. of seats.	Officials.	ELECTED.					Nomination.	Population.	Electors.
			General.	Communal.	Land-holders.	University.	Commerce Industry			
Madras	118	19	61	18	7	1	6	6	3,98,27,885	5,42,000
Bombay	111	18	46	29	3	1	8	6	1,95,80,312	6,53,000
Bengal	125	20	41	37	5	2	15	5	4,50,63,697	12,28,000
United Provinces	118	18	57	28	6	1	3	5	4,71,82,044	14,83,500
Punjab	83	16	18	36	4	1	2	6	1,95,65,013	2,37,000
Bihar and Orisa	98	16	46	18	5	1	3	9	3,24,46,461	5,76,000
Central Provinces	70	12	40	7	3	1	2	5	1,22,69,638	1,59,500
Assam	53	9	19	12	2	..	6	5	60,00,000	3,00,000

(19) The main functions of the Legislative Council are twofold viz:—

- (a) to make laws for the peace and good government of the territories for the time being constituting the Province;
- (b) to criticise the measures and actions of the members of the Executive Government including the consideration, passing or otherwise dealing with the Budget containing annual financial statements of estimated receipts and expenditure.

These are very wide powers and would naturally embrace all matters having connection with administrative and legislative business of the Province. Matters relating to reserved subjects as well as those which are expressly mentioned in section 10 clause (3) of the Indian Reform Act are, however, excluded from the jurisdiction of the Legislative Council. These matters will be dealt with by the Governor in Council. The important matters that are likely to come for consideration before the members of the Legislative Council are, (a) legislation, (b) discussion of budget (c) moving of resolutions asking the Government to do or not to do certain things or to take action with regard to certain matters and (d) compelling the Government to state its policy on any acute question.

*Legislation:—*Legislation is generally undertaken by means of Bills introduced into the Legislative Council either by Government or by a non-official member. The ordinary procedure to be followed is that, at first leave to introduce a Bill into the Council is asked for and granted. The Bill is then introduced. But any member may object to the principles of the Bill and if the objection is upheld by the majority of votes then the Bill will not be allowed to be introduced. But if the Bill is allowed to be introduced any member may make any remarks or observations he likes with regard to the principles of the Bill. The Bill is then referred to a select committee composed of members of the Council qualified

to deal with the subject of it. The select Committee thoroughly goes into the entire Bill, clause by clause, and records its report to be submitted before the full meeting of the Legislative Council which will have power either to pass the Bill, or to amend it, or to reject it altogether. The assent of the Governor is required before any Bill passed by the Legislative Council can become law. But a local Legislature cannot make any law which will affect any Act of Parliament. A Local Legislature is, however, empowered to repeal or alter as to its own Province any law made either before or after the commencement of the Indian Reform Act by any authority in British India other than that local legislature. These are great powers given to Provincial Legislatures.

Provincial Budget:—This means a statement of the estimated annual income and expenditure of a Governor's Province. The Budget will be prepared by the Local Government and laid before the Legislative Council every year for consideration and approval. Every item of expenditure included in the Budget will be treated as a proposal of the Local Government for the appropriation of specified sums of money on particular objects. The Legislative Council has the authority of assenting or refusing to assent to any item of expenditure in the Budget. It may reduce the expenditure provided for in the Budget or decline to sanction the demand or omit any item constituting a main head of expenditure. These are very wide powers tantamounting to the grant of full control to the Provincial Legislature over the revenues of the Province. The Governor's power of veto is dealt with later on.

It must be observed that Legislative Councils are empowered to reduce any item of expenditure provided in the Budget, but all proposals for the appropriation of any revenue of the Province, including the amount so reduced by the Council, will only be taken up for consideration by the Council if the Governor has made and duly communicated to the Council, a recommendation to this effect. This raises the question as to whether any mem-

ber of the Council has authority to submit proposals for expenditure of the savings effected by the reduction of any item of expenditure provided in the Provincial Budget, in case the Governor does not choose to make any recommendation for the purpose. A careful study of sub-clause (c) (2) of section 11 of the Reform Act leads one to the conclusion that no member can do so. If this be the case then it must be said that the powers of members are limited.

Resolutions:—If any member desires that Government should take action with regard to any matter affecting the welfare of the public community, or to execute certain works absolutely necessary for the convenience, comfort and happiness of the people under its charge, a resolution may be introduced for the consideration of the Council. The members of the Governor's Executive Council, official members, and the Ministers will be there when the resolution is moved. They will either accept the resolution or oppose it. In the former case no debate will take place unless other members choose to oppose the resolution. In the latter case a debate or discussion of the subject matter of the resolution is bound to follow. The decision will be governed by a majority of votes and each member will be able to give his vote in accordance with the dictates of his reason and conscience. Rules have been framed as to the method of conducting debates dealing with other matters which will have a direct bearing on the general procedure to be followed in the Council.

Interpellation:—This is a valued privilege and enables a member of the Council to ascertain the policy of the Government with regard to any matter or subject which may be before the Government. Rules are framed as to the manner of putting questions, notice of questions, supplementary questions and so on. Notice of questions will have to be previously given and answers will be drafted by the Ministers or Executive Councillors in charge of the Department to which the questions relate. These answers will probably be submitted to the Governor for approval and will be read out in Council. The right

of asking questions was introduced into the Governor-General's Legislative Council in 1892 and the same principle was subsequently extended to enlarged Councils and other Provincial Legislatures established under the Morley-Minto scheme in 1909 and still continues in force. The rules lay down the particular subjects to be excluded from the operation of interpellation by members of the Council. Questions are generally asked by non-official members because it is they who require the Government to supply correct and authentic information on any subject and it generally happens that the information so elicited forms the subject of resolutions to be moved in Councils.

(20) A Provincial Governor's power of veto may be summarized as under:—

Provincial Budgets:—

- (a) The Local Government is empowered to act as if any demand included in the Budget has been duly assented to notwithstanding the fact that the Council have entirely withheld their assent to the demand or reduced the amount of it. But such a demand must relate to a reserved subject and the Governor must certify that the proposed expenditure is essential to the discharge of his responsibility for the subject.
- (b) In cases of emergency the Governor is authorised to sanction any expenditure if in his opinion it is necessary for the safety or tranquility of his Province or to promote the interests of any department under him.

Legislation:—

- (a) When any Bill is before the Council or is proposed to be introduced, or when any amendment to a Bill is moved or proposed to be moved the Governor may certify that it affects the safety or tranquility of his own or of another Province. After so certifying the Governor may direct that no further proceedings shall be taken by the Council with regard to such a Bill,

amendment or proposal, and the Council shall be bound to give effect to such a direction.

- (b) When the Governor does not agree with the provisions of any Bill passed by the Legislative Council he may return the Bill to the Council with instructions to deal with it in a particular manner. All his suggestions and recommendations must be laid before the Council.
- (c) The Governor may reserve the Bill in certain cases for the consideration of the Governor-General. But in this respect he will be guided entirely by the rules which will be framed under the principal Act.
- (d) The Governor in cases of emergency may certify that the passage of a Bill is essential for the discharge of his responsibility and in such a case the Bill on being signed by him shall become an Act of the local Legislature, although the Legislative Council may have refused to pass it or declined to grant leave for its introduction into the Council.

But when an Act is passed under any of the conditions stated above an authentic copy of it must be forthwith submitted to the Governor-General who will reserve it for the signification of His Majesty's pleasure, and upon the signification of His Majesty's assent and the publication of the notification thereof by the Governor-General the Act shall have full force. It follows from the above procedure that if a Provincial Governor desires the passage of a Bill in direct opposition to the wishes of his Legislative Council, an Act declared by him to have been passed under such circumstances does not become law until assented to by His Majesty in Council. There will thus be two judges to adjudicate upon the matter in case of difference of opinion between the Governor and his Legislative Council, viz:—

His Majesty-in-Council and the Governor-General.
But a Bill refused by the Provincial Legislative Council

and which the Governor does not declare to have been passed on his own responsibility may be reserved for the consideration of the Governor-General who may either give his own assent to the Bill or declare that it has been reserved for the signification of His Majesty's pleasure. In the former case copies of the Act must be laid before both Houses of Parliament and His Majesty may disallow any Act to which the Governor-General has given his assent. These are all sufficient and proper safeguards against the arbitrary and oppressive exercise of powers by the Governor in opposition to the wishes of his Council.

(21) The Indian Reform Act authorizes the Governor-General-in-Council to declare any territory in British India to be a "backward tract", and after such a declaration has been made he is given the power to direct that the provisions of the principal Act and the Reform Act shall apply to such backward tract with such modifications and exceptions as may be prescribed in the notification. This means that certain tracts of the British territory which are not considered fit for immediate self-government will be excluded wholly or partially from the operation of the Reform Act.

(22) The relations of the Provincial and the Central Governments are regulated by the provisions of the new law and the rules made thereunder. The lists of reserved and transferred subjects are now complete and are being published later on, but all Provincial Governments and administrators are bound to obey the directions and instructions given by the Governor-General and such administrators are deemed subordinate to the Government of India in all respects.


(23) The Joint Committee give the following sketch illustrating the manner in which they think the government of a Province should be worked under the new Reform Act:—

"There will be many matters of administrative business, as in all countries, which can be disposed of departmentally. But there will remain a large category of business, of the character which would naturally be the subject of cabinet consultation.

In regard to this category the Committee conceive that the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers, sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on subjects; but the Committee attach the highest importance to the principle that, once opinions have been freely exchanged and the last word has been said, there ought then to be no doubt whatever as to where the responsibility for the decision lies. Therefore, in the opinion of the Committee after such consultation, and when it is clear that the decision lies within the jurisdiction of one or other half of the Government, that decision in respect of a reserved subject should be recorded separately by the executive council, and in respect of a transferred subject by the ministers, and all Acts and proceedings of the government should state in definite terms on whom the responsibility for the decision rests. It will not always, however, be clear, otherwise than in a purely departmental and technical fashion, with whom the jurisdiction lies in the case of questions of common interest. In such cases it will be inevitable for the Governor to occupy the position of informal arbitrator between the two parts of his administration: and it will equally be his duty to see that a decision arrived at on one side of his government is followed by such consequential action on the other side as may be necessary to make the policy effective and homogeneous.

(24) The principal landmarks in the history of the gradual evolution of Indian and Provincial Legislatures has been set forth in chapter II of this pamphlet from which it will be seen that originally it was the Executive Government itself which was empowered to make regulations and ordinances for the good government of the territories that were first acquired. A Council of four members was attached to the Supreme Government which

was eventually transformed into a Legislative Council consisting entirely of official members. This was replaced by a Council consisting of official and non-official additional members with increased numbers. The elective principle was introduced in 1909 and within 10 years of this these reforms have been given and if the same progress goes on steadily the next ten years will see a further bold step on the part of the British nation to give India complete self-government.







CHAPTER:--I.

ESTABLISHMENT AND GRADUAL EVOLUTION OF EXECUTIVE AND LEGISLATIVE COUNCILS IN INDIA.

It is proposed to show in this chapter how gradually, slowly but

Various Stages of Government.

steadily the various stages of the Government in India with the help of Councils, Executive and Legislative, have been established, finally culminating in a form of

Government which now has been recognized and will be brought into existence by the provisions of the Reform Act. The entire machinery of the British Government in India is carried on by and under the superintendence of the Secretary of State for India, the Governor-General appointed by His Majesty the King-Emperor and the administrators of Provinces. The Secretary of State is assisted by a Council called the "Council of India"; in addition there is the British Parliament which possesses inherent authority to make laws for British India, while all executive matters are transacted by the Secretary of State with the aid of his Council. The Governor-General had up to this time two Councils, viz., the Executive Council and the Imperial Legislative Council; these have now been increased to three Councils, viz; the Executive Council, the Council of State and the Legislative Assembly. The Provincial Governors will have under the new scheme two Councils, viz: an Executive and a Legislative Council. The object of providing two Councils is to enable the Governor-General and Provincial Administrators to transact executive work in the Executive Councils and to get legislation passed by means of the Legislative Councils.

Council of India.—It was after the mutiny of 1857 that the Government by the East India Company was transferred to the Crown with the passing of the "Act for the better government of

India" which received the royal assent on the 2nd August 1858 and came into operation 30 days thereafter. This Act declared in unqualified terms that henceforth "India shall be governed by and in the name of the Queen" and it vested in the Queen all the territories and powers of the East India Company which had received a Royal Charter from Queen Elizabeth in the year 1600 to carry on trade and commerce in India and to acquire territories. By the aforesaid Act a Secretary of State was appointed with a Council for the purpose of transacting the affairs of, India in England. This Council, originally fifteen in number now consists of a number of members not less than ten and not more than fourteen as the Secretary of State may from time to time determine. According to the new Act the number of members will in future be not less than eight and not more than twelve. Certain other alterations have also been made with regard to the qualifications of the members who can be appointed to this Council. The Secretary of State for India with the help of his Council is thus the supreme authority in England so far as the superintendence and control of Indian affairs are concerned. All communications and despatches are addressed by the Governor-General of India to the Secretary of State who has the power to dispose of them either with the help of his Council or without consulting it according to the expediency of the situation and the urgency of business.

Executive Council.—Originally the Government of India alone was given a council of four members; subsequently the strength was increased to six members including an Indian member and Sir S. P. Sinha, now Lord Sinha, was the first Indian member to occupy the seat. The Bombay and Madras Presidencies which were administered by Governors were afterwards granted Executive Councils. In 1911 the Province of Bengal was given a Governor with a Council which came into existence with the appointment of Lord Charni Michael as the first Governor of Bengal. Then came the turn of Bihar and Orissa for which, though a Lieut. Governor was appointed, an Executive Council was provided

with the constitution of the territories of Bihar and Orissa as a separate Province in 1911-12. The House of Commons voted for the establishment of an Executive Council for the United Provinces but the House of Lords vetoed the proposal. The result is that under the existing system of Government, Executive Councils have been provided for the Government of India, the Presidencies of Bombay Madras and Bengal and for the Province of Bihar. All other Provinces such as the United Provinces, Punjab, Burma, Assam and the Central Provinces are at present without Executive Councils. Under the Reform Act all these Provinces will have Executive Councils with a certain proportion of Indians among their members in addition to the Ministers who will be appointed by the Provincial Governments to be in charge of the transferred subjects. The Executive Councils of the Bombay and Madras Presidencies were enlarged in 1909 under the Minto-Morley Reform Scheme and in these Councils also the Indian element found a suitable place.

Legislative Councils. (1) The first Indian Legislative Council, as constituted under the enactment of 1853, originally consisted of 12 members viz:—

- (a) The Governor-General and four members of his Executive Council.
- (b) the Commander-in-Chief.
- (c) six special members i. e. one member from each of the four Presidencies or Lt.—Governorships; the Chief Justice and one of the Judges of the Supreme Court at Calcutta.

From this time the sittings of Legislative Council were made public and their proceedings were officially published. There were no separate Legislative Councils established in the Provinces as it was thought that the Imperial Legislative Council, constituted as set out above would be able to take up legislation for all the Presidencies and Provinces in India, and the presence of one member from each Province was regarded as a sufficient representation of that particular Province. The assumption was that

these appointed official members would sufficiently represent the needs and requirements of their Provinces in regard to legislative matters. This state of things continued to remain in force till the year 1860 when the question of admitting representatives of Indian opinion to the legislature of the country was, for the first time raised and brought to prominence. The following well-known and pertinent passage from a Minute written by Sir Bartle Frere in 1860 may be quoted with profit and advantage as tending to show the strong desire of the Government to recognise adequately the advantages to be derived from the association and advice of Indian opinion in all legislative matters concerning the welfare and prosperity of the people of the country which the Government had just taken charge of from the Directors of the East India Company:

“The addition of the native element has, I think, become necessary owing to our diminished opportunities of learning through indirect channels what the natives think of our measures and how the native community will be affected by them. It is useless to speculate on the many causes which have conspired to deprive us of the advantages which our predecessors enjoyed in this respect. Of the fact there can be no doubt, and no one will, I think, object to the only obvious means of regaining in part the advantages which we have lost, unless he is prepared for the perilous experiment of continuing to legislate for millions of people, with few means of knowing, except by a rebellion, whether the laws suit them or not. The Durbar of a native Prince is nothing more than a Council very similar to that which I have described. To it under a good ruler all have access, very considerable license of speech is permitted and it is in fact the channel from which the Ruler learns how his measures are likely to affect his subjects, and may hear of discontent before it becomes disaffection. It is a great evil of the present system that Government can rarely learn how its measures will be received or how they are likely to affect even its European subjects till criticism takes the

form of settled and often bitter opposition.”

It will thus appear that even from the early sixties it was in the contemplation of high officers of Government to attach considerable value to non-official Indian public opinion. It was made clear that the Government was anxious to know the nature of public feelings and sentiments with regard to any measures introduced by the Government for their benefit and welfare. It was also anticipated that after accepting the principle of having Local Governments duly represented in the Indian Legislature, the Presidencies of Madras and Bombay could not be reasonably expected to be content with the meagre share of representation which they were given at that time. viz, one member from each Province for their respective Provinces. Lord Canning who was then the Governor-General of India rejected the idea of increasing the strength of the Imperial Legislative Council by adding a larger number of members from different subordinate Provinces and proposed that the single Legislative Council for the whole of India should be broken up and in lieu thereof three distinct Councils be constituted i. e. one Legislative Council for the Governor-General to be located at Calcutta which was then the seat of the Government of India, and two local councils for each of the presidencies of Bombay and Madras. According to his proposals the Lt. Governorships of Bengal, the North Western Provinces and Punjab should also be equipped with separate Legislatures. It was also proposed that three non-official members, Europeans or Indians, should be admitted into each of these three Councils stated above. All measures of local interest or character not affecting the revenue of the Province were intended to fall within the competence of these local councils the business of which was to be so conducted as to allow all Indians not acquainted with the English language to take part in their proceedings. The general idea prevailing in those days was that Legislative Councils were to concern themselves with legislation only and not to transact any business touching the executive side of the provincial administration. No right of interpellation was granted to any member of the councils.

(2) These proposals no doubt constituted the first and a substantial step towards the association of non-officials and particularly Indians with the business of legislation, but the Indian representation was extremely meagre. The obtaining of the previous assent of the Governor-General-in-Council to the principles of any legislation proposed to be introduced into the Local Council was made compulsory, and all Acts passed by Local Legislatures also required the assent of the Governor-General for their validity. The Indian Councils Act of 1861 embodying the above proposals was ultimately passed. It empowered the Governor-General to nominate, in addition to the ordinary and extraordinary members, a certain number of additional members which would be not less than 6 and not more than 12 for the purpose of making laws and regulations, provided that not less than one half of the members so nominated must be non-official persons. The nomination was to continue in force for a period of two years from the date of nomination. The Governor General's Legislative Council was thus to consist of the following:—

- [a] **Ordinary members** viz: the members of his own Executive Council the number of which was fixed at 6.
- [b] **Extraordinary members** viz: four representatives of the Provincial Governments, the Chief Justice and one Judge of the Supreme Court at Calcutta.
- [c] **Additional members**--- nominated by the Governor-General for the purpose of making laws and regulations the number of which was not less than six and not more than twelve, and at least half of the members so nominated were to be non-officials.

Such was the constitution of the Supreme Legislative Council which came into existence with the passing of the Indian Councils Act of 1861. This Act was slightly amended by Acts passed in 1869, 1870 and 1871 but no change of any substantial nature was effected by them. By section 3 of the amending Act of 1870 it was laid down that at all meetings of the Legislative

Council held in any province administrated by a Lt.—Governor or a Chief Commissioner, the head of the Province could sit in the Council as an Ex-officio member in addition to the maximum limit of twelve members. By virtue of this amendment the Lt. Governor of Bengal was able to take his seat at the meetings of the Legislative Council when held in Calcutta and the Lt. Governor of the Punjab when held at Simla.

(3) The Indian Councils Act of 1861 was again amended in 1892 and another advance was made. The minimum number of the additional members of the Supreme Legislative Council was increased from 6 to 10 and the maximum raised from 12 to 16. Similar increase in the number of members was made in the Provincial Councils as well. The right of discussing the annual financial statements of the Government of India and the privilege of asking questions under certain conditions and restrictions were also granted to members of the Council. Lord Curzon (then Mr. Curzon) who was then the Under-Secretary of State for India while moving the second reading of the Indian Councils Bill (1892) said that the object of the Bill was to widen the basis and expand the functions of the Government of India, to give more opportunities than at present existed to the non-official Indian element in society to take part in the work of Government, and in that way to lend official recognition to the remarkable development both in political interest and capacity which had been visible among the higher classes of Indian Society since the Government was taken over by the Crown in 1858.

(4) After the lapse of only seven years a further amendment of the Indian Councils Act 1862 and the Government of India Act 1833 was considered imperative and this amendment was passed on 25th May 1909, based principally on the Minto-Morley Scheme. It was for the first time laid down that additional members of Legislative Councils in India constituted under the old Regulations, or hereafter to be constituted for certain Provinces, should consist of members nominated by the Government and also members elected in accordance with the rules and regulations made under the new Act. The elective element was thus,

for the first time, introduced in all the Legislative Councils of India, including the Legislative Council of the Governor-General. Executive Councils were also reconstituted and the Indian element was introduced into them by nomination. A Legislative Council for the Central Provinces and Berar was also established and came into existence in 1914. The following table shows the maximum numbers of nominated and elected members of the Legislative Councils of the various Provinces of India:—

Legislative Council.					Maximum Number.
(1)	Legislative Council of the	Governor-General			...60
(2)	"	"	"	of Madras.	...50
(3)	"	"	"	of Bombay.	...50
(4)	"	"	"	of Bengal.	...50
(5)	"	"		of United Provinces.	...50
(6)	"			of Eastern Bengal and Assam.	...30
(7)	"	"	"	of Punjab,	...30
(8)	"	"	"	of Burma.	...30
(9)	"	"	"	of other Provinces.	...30

(5) The reasons for effecting these changes and radical alterations in the constitution of the Imperial and Provincial Legislative Councils in India can be easily gathered from the opening paragraph of Lord Minto's celebrated Minute of August 1906 when submitting the proposals which formed the basis of the Act of 1909. It was then recognized, rather forcibly, that the introduction of the elective principle was essential for the good government of the country. The following extract from this Minute will be read with great interest:—

"I feel sure my colleagues will agree with me that Indian affairs and the methods of Indian administration have never attracted more public attention in India and a Home than at the present moment. The reason for their doing so is not far to seek. The growth of education, which British Rule has done so much to encourage is bearing fruit. Important classes of the population are learning

to realize their own position, to estimate for themselves their own intellectual capacities and to compare their claims for an equality of citizenship with those of the ruling race, whilst the directing influences of political life at Home are simultaneously in full accord with the advance of political thought in India. To what extent the people of India, as a whole, are as yet capable of serving in all branches of administration, to what extent they are individually entitled to a share in the political representation of the country, to what extent it may be possible to weld together the traditional sympathies and to what extent the great hereditary rulers of Native States should assist to direct Imperial policy, are problems which the experience of future years can alone gradually solve. But we, the Government of India, cannot shut our eyes to present conditions. The political atmosphere is full of change, questions are before us which we cannot afford to ignore, and which we must attempt to answer, and to me it would appear all important that the initiation should emanate from us, that the Government of India should not be put in the position of appearing to have its hands forced by agitation in this country or by pressure from Home, that we should be the first to recognise surrounding conditions and to place before His Majesty's Government the opinions which personal experience and a close touch with the every day life of India entitles us to hold."

The above remarks and observations are as true and correct to-day as they were fourteen years ago. The trend of educated public opinion is decidedly in favour of closer association with the Government and the fact that so many members were forthcoming immediately on the constitution of the reformed and enlarged councils to take their seats as councillors capable of bearing their share of the responsibility in the government of the country, demonstrates fully the truth of the opinion expressed by Lord Minto a decade ago.

(6) Within 10 years of the grant of the last instalment of reforms, the British nation has thought fit to further extend the elective principle to such a degree as is calculated to give a non-official majority in all the Provincial Legislative Councils and the Indian Legislative Assembly. When ten years ago the British public was satisfied with the capacity of Indians to manage their affairs, there is every reason to believe that nothing short of absolute conviction on the part of the English people regarding the fitness of Indians to bear the increased burden and to face the inherent difficulties of administration must have prompted Parliament to grant these liberal and spacious reforms which have given general satisfaction throughout the country. A careful study of the past history of the evolution and establishment of Legislative Councils in this country will show that soon after the resumption of the territories by the Crown, Legislative Councils were established in 1861, consisting purely of official members. Then in 1870 the non-official element was introduced and the number of members increased. Again, in 1892 the number of additional members was increased and certain fresh concessions, such as the discussion of the Indian Budget and the right to ask questions, were granted. And in 1909 after a prolonged and lengthy correspondence exchanged between the Governor-General and the Secretary of State for India-in-Council, the Minto-Morley scheme giving India the right of electing its own representatives was introduced. Finally, we now see the passing of the Indian Reforms Act in December 1919 to which royal assent was given by means of a proclamation which has been very widely published and circulated throughout the length and breadth of this country. No doubt the policy of the past has been to associate Indians in the administration of the country while retaining the power of initiation and control in the hands of the British officials. And if the same policy is continued for the coming ten years in a more extended form a further and more solid instalment of Reforms will be in store. When at the end of this period a Parliamentary Commission is appointed to enquire into the results

achieved by the working of the new machinery of the Reform Act Indians should be able to give a fairly good account of their work which must necessarily be of a high order. The whole scheme is expected to be guided, controlled and brought into actual force with the help and co-operation of sympathetic British Officers of standing and experience with established reputations in the art of administration. A responsive co-operation and wholehearted support is also expected from all classes of Indians irrespective of the political school of thought to which they may belong. Without such co-operation, the privilege is likely to be monopolised by one party without the support of the other, and an oligarchy against which India has been so strenuously fighting, may eventually predominate giving the scheme its death blow.

Chapter II.

A BRIEF ACCOUNT AND CONSTITUTION OF OFFICIAL GOVERNING BODIES IN ENGLAND.

PRELIMINARY.

In order to follow intelligently the provisions of the Govern-
ment of India Act of 1919, which has been passed by the British Parliament and which has been received in this country with universal satisfaction as the first important step towards the progressive realization of responsible Government in India as an integral part of the British Empire, and with a view to compare further the constitution and control of the Provincial Governments in India with the constitution of the several political institutions in England, a brief study of the component parts of the machinery that carries on the government of that country is necessary since it is the ideal form of government which we hope one day to attain. It is no doubt the declared policy of the British nation through its parliamentary ministers is to make adequate provision of the increasing association of Indians in every branch of the Indian administration and for the purpose of attaining this goal the gradual development of self-governing institutions is absolutely essential. Whether this cherished object of the British nation will be achieved or not under the constitution now coming into existence under the new law is a question which must be left to the future to answer. In the meantime we must devote all our energies exclusively to make the scheme a complete success by the efficient administration of those subjects entrusted to us. This spade work is expected to be carried out by members of the Indian educated community on whose pressing demands the reforms have been granted and therefore the co-operation and active support of men of all shades of opinion is imperatively need-

Brief study of the English constitution is requisite for the proper understanding of the Indian constitution.

ed at the present juncture. But it must be remarked here that there cannot be a proper understanding of the form of constitutional Government in India without a preliminary study, brief as it may be, of the British constitution. The main outlines of the English constitution are, therefore, described in the following pages so far as they may help us to form a proper appreciation and idea of the new British-Indian constitution which will be brought into being by the reform Scheme.

The English constitution has been styled as "flexible" capable at any time of being amended, revised or repealed. Such a constitution proceeds from the same authority which makes the ordinary law and it is repealed in the same way, whereas the constitution of British India is based on a series of royal charters and parliamentary statutes which cannot be amended or repealed by ordinary Legislative Councils in India. The constitution of England is based upon *Magna Charta* (1215) and its several confirmations and amendments and the Petition of Right granted in 1628 by King Charles I, Statutes like the Habeas Corpus Act, Bill of Rights, the Act of Settlement, the Reform Act (1832-67-84 and the Parliament Act of 1911), authoritative judicial decisions and Parliamentary precedents. According to the English constitution the King is the supreme head of all social and political institutions with extensive powers which, as a constitutional sovereign, he only exercises on the advice of his ministers.

A. SOVEREIGN.—HIS MAJESTY THE KING—EMPEROR.

The Executive Head of the entire British Empire is the Sovereign who is responsible for the welfare and prosperity of his subjects. In the discharge of this important work he is assisted by a large body of ministers who are appointed with his consent. In all official documents the King is

King is the supreme Executive Head. His duties & responsibilities.

described as under:—

"George by the Grace of God of the United Kingdom and Ireland and of British Dominions beyond the Seas, King Defender of the Faith, Emperor of India"

He holds the exalted office for his life and the succession is

regulated according to the law of primogeniture." "The King can do no wrong". His ministers are personally held responsible for his public acts. In his private capacity he "cannot inflict any injury on a subject, nor is he personally amenable to the procedure of any court of law." He has the power of summoning adjourning or dissolving the Parliament, and all Bills passed by both Houses of Parliament must receive the royal assent before they become the law of the land. But his ministers can practically prevent any Bills, which in their opinion ought not to become law, from reaching the stage at which the King's assent is required because under the modern constitutional rule the King must act in accordance with the advice of his ministers. History shows that since the time of Queen Anne no English Sovereign has ever refused assent to a Bill duly passed by Parliament. The King is possessed of the power of coining money, of appointing officers in the army and navy, Judges, Ambassadors, Governors-General of India, Canada, the Australian Commonwealth, the Union of South Africa, Colonial and Indian Governors, and Arch-Bishops and Bishops of the established church. He has also the power of vetoing all Acts of Colonial and Indian Legislatures. He has the sole command of the Navy and the Army the Air Forces and possesses authority to conclude treaties of any kind, of making war and peace with foreign States and of granting pardon, conditional or unconditional, to certain offenders or classes of offenders. He is thus "at the same time the supreme executive, a co-ordinate legislative authority, the fountain of justice and of honour, the supreme Governor of the Church, the Commander-in-Chief of the Army & Navy, the conservator of the peace, and the *parens patriæ* and ex-officio guardian of the helpless and the needy. In law all land is held directly or indirectly of him and Parliament exists only by his will." Further it has been said that "the crown is the only visible symbol of the union of the Empire and this has undoubtedly had a considerable effect upon the reverence felt for the Throne." The territories in India for the time being vested in his Majesty are governed by and in the name of his Majesty the King-Emperor

of India (section 1 Govt. of India Act of 1915) and all the revenue of India from various sources are received for and in the name of His Majesty and subject to the provisions of any enactment for the time being in force applied for the purposes of the Government of India alone.

B. THE PRIVY COUNCIL.

Next to the King is the Privy Council which is nominally an assembly of advisors to the Crown. With the introduction of the principle of government by cabinet the Privy Council has now ceased to exercise its ancient function of advising the King. Its principle function now is to advise the crown as to the issue of ordinances, &c. Members are appointed to this council by the Sovereign by nomination on the advice of his ministers. There is no limit to the number of members. Every British subject is eligible for appointment and all members hold their office for life and bear the title of "Right Honourable". Every member is required to take "an oath to give advice according to the best of his judgment and for the King's honour and public weal, to keep the King's counsel secret, to avoid corruption and to act in all things as a good and true councillor ought to do to his Sovereign Lord". Indians being British subjects are eligible for appointment as members of the Privy Council and the appointment of Rt. Hon'ble Mr. Ameerli who was for some time a Judge of the Calcutta High Court is an instance in point. The Privy Council is presided over by an officer who is called the Lord President. His duty is to preside over the debates in the Council, to put proposals from the sovereign for discussion at the Council table and to report to the Sovereign resolutions adopted thereon. For carrying out its duties the Privy Council is subdivided into four small committees or select bodies of councillors, (a) the Judicial committee, (b) the Board of Trade (c) the Board of Education and (d) the Local Government Board. All appeals from High Courts in India lie to the Judicial Committee of the Privy Council which is the supreme court of appeal for British India and the Colonies. The Crown appoints members of this

section as Privy Councillors and they are liable to dismissal by the crown. The members hold office for the life of the royal person appointing them. The Judicial Committee of the Privy Council is composed of a Lord President of the council for the time being, the Lord Chancellor and high Judicial officers of recognized reputation. Two of these councillors also are specially designated by the crown and at least two more who acted as Judicial officers in India or in the Colonies must be appointed. All these four receive remuneration for their services but the other members do not receive any salary.

C.—THE CABINET.

(i) Various authorities have given different definition to this word but generally speaking the British Cabinet may be termed a secret Committee of the Privy Council, composed of the head of the Executive Departments selected from among the members

Constitution of the Cabinet and its existing functions. of both Houses of Parliament belonging to the Party in the House of Commons which has secured a preponderating majority and who are jointly and severally responsible to Parliament. During the period of the war and thereafter an exception was made in the above rule by the formation of a Coalition Cabinet which embraced members of all of the principal political parties. The same form of Cabinet continues even after the termination of the war. A pre-war cabinet generally consisted of the Ministers noted below:—

(1) Lord High Chancellor (2) Lord President of the Council. (3) Lord Privy Seal (4) First Lord of the Treasury (5) First Lord of the Admiralty (6) Five Secretaries of State (7) Chancellor of the Exchequer (8) Secretary for Scotland (9) Chief Secretary to the Lord-Lt. of Ireland (10) Postmaster General (11) Four Presidents of the Privy Council (12) Chancellor of the Duchy of Lancaster (13) First Commissioner of works (14) Attorney General.

(ii) Some of the above high officers of State occupy prominent positions and are called upon to discharge important duties in connection with the general administration of the country. The office of the First Lord of

The Prime Minister.

another office also if he so desires. He makes a selection of the members of the ministry. The Prime Minister exercises a general supervision over all departments of the State. He also must keep a careful watch on the progress of all Government measures. The Lord High Chancellor is another very prominent and notable officer in the system of the British Government. He receives a salary of £ 10,000 per annum and is therefore the most highly paid officer of the crown. In addition to other duties he exercises the functions of a minister of civil justice.

(iii) There are five Secretaries of State, viz:—

(1) Secretary of State [for] the Home Department. He is assisted by a Parliamentary Under-Secretary and a large staff of permanent officials.

Secretaries of State.

(2) The Secretary of State for Foreign Affairs. He is the head of the Department which is in charge of foreign relations and administers also the affairs of Protectorates having no connection with Colonies.

(3) Secretary of State for the Colonies. He is generally called the Colonial Secretary and conducts the affairs of all self-governing colonies within the British Empire.

(4) The Secretary of State for War.

(5) The Secretary of State for India. He is assisted by the India Council and has got an Under-Secretary to represent him in the House of Lords and another Under-Secretary to assist him in the House of Commons. He deals with purely Indian affairs.

(iv) The Administrative Board consists of:—(1) The Board of Trade (2) The Local Government Board (3) The Board of Agriculture and (4) The Board of Education. Each of these Boards is presided over by a President who is a member of the Privy Council and also a member of the Cabinet.

Administrative Board.

of the Cabinet.

(v) There exists a very thin line of distinction between the the "Cabinet" and the "Ministry". The latter may be called the outer part of the British constitution that formulates the policy of the Government and the

former may be termed the inner part that follows the lines laid down. The Cabinet thus must necessarily contain the more prominent party leaders who must also hold the principal offices of State. All persons who compose the Ministry need not be members of the Cabinet but all members of the Cabinet must have seats in Parliament.

D—THE MINISTRY.

(1) The Ministry includes all those Executive Officers of Government who have seats in Parliament, and who dictate the policy of the Government, whereas the Cabinet contains the more prominent party-leaders who must hold principal offices of State. But all the Ministers are not necessarily members of the Cabinet. The pre-war Cabinet was composed of 21 members and besides these there were no less than 33 non-cabinet ministers in Parliament. Ministers are expected to resign when the government is defeated in the House of Commons.

(2) The Ministry is formed in the following manner:—
The King sends for the recognized leader of the political party which has a majority in the House of Commons and asks him to form a Ministry. If this

Method of forming Ministry.

leader thinks that his party will approve of his assuming such a responsibility, he accepts the commission, and, usually after due consultation with other prominent members of his party, gives to the Sovereign a list of the men whom he recommends for appointment to the chief offices of State. These the Sovereign appoints and commissions as a matter of course are conferred. They are always men chosen from among members of both Houses of Parliament, and generally because they have proved their ability to lead there. The leader chosen by the sovereign to form the Ministry stands at its head when formed and is customarily known as the Prime Minister".

[3] The King must follow the advice of his ministers except

Ministers as a body of responsible State officers.

in the choice of the Prime Minister. The Prime Minister selects the members of his government and distributes the portfolios of office. In fact ministers be-

come a constitutional body of responsible State Officers who direct the action of the crown in all matters relating to the government of the country and are held solely and wholly responsible for all political acts done in the name of the crown during their tenure of office.

[4] Lloyd George's new Model of the ministry and cabinet

Management of affairs by each Minister separately.

has set apart definite duties and obligations with regard to each Minister and Cabinet member. The Ministry as a whole perhaps never meet in joint conference.

Each Minister manages his own Department subject only to the supervision of the Cabinet. He vindicates his proceedings not to the general body of his colleagues but to the Ruling committee which is the co-ordinating link of the whole machinery. By the new arrangement now in form the British Cabinet occupies the position of a Board of Directors with an adequate and reliable staff of Departmental managers each of whom is responsible only for his own branch of the business and is not consulted upon the general policy, nor is he necessarily made cognizant of it except in so far as it touches upon his own special activities. The doctrine of collective responsibility no longer exists for the simple reason that a minister can hardly be expected to bear the burden of a colleague's mistakes of commission and omission when he has no means of knowing the doings of his colleagues and with whose actions he has no business to interfere.

E.—THE BRITISH PARLIAMENT.

The British Parliament is the real power in England and

Definition of British Parliament; its extensive powers.

this comprehensive jurisdiction to wield authority throughout the British Empire has been acquired by the people of England by slow and gradual degrees of evolution resulting at times in revolution.

It has been well and truly said that Parliament represents the will

of the British nation and is the most powerful, influential and thoroughly representative among modern legislative assemblies. According to Lord Bryce "the British Parliament can make and unmake any and every law, change the form of Government, of the succession to the crown, interfere with the course of justice, extinguish the most sacred rights of the citizen. Between it and the people at large there is no legal distinction, because the whole plenitude of the peoples' rights and powers resides in it. Just as if the whole nation were present within the chambers where it sits. Both practically and legally it is to-day the only and the sufficient depository of the authority of the nation, and it is, therefore, within the sphere of the law, irresponsible and omnipotent."

The British Parliament is divided into two branches which exist

**British Parliament
consists of two Houses.**

at the present time viz:—(a) the House of Commons and (b) the House of Lords.

(a) *House of Commons.* This House consists of 670 mem-

**Constitution, strength and membership
of the House of Commons.**

bers, of whom 465 are allotted for England, 30 for Wales, 72 for Scotland and 103 for Ireland. Every male householder who has resided in his constituency for a year and has paid all his dues is entitled to be registered as voter and

after being so registered he will be entitled to vote at the time of election. This is a general franchise but there are others including the occupation of lodgings rented at £ 10 a year and the ownership and occupation of lands and buildings of a certain value. Universities also return members duly elected by their graduates. The number of members in the House of Commons has been now increased to 707. Each member gets an annual salary of £ 400, but no salary is attached to the membership of the House of Lords. Freedom from arrest is enjoyed by members of this House during the sitting of Parliament and for 40 days before and after the session except in cases of treason and felony, &c. The members are given perfect freedom of speech and debate

in the House and they cannot be legally dealt with for anything said in the House by any court or body outside the House. The right of free access to the Sovereign is enjoyed by both the Houses but while the Lords individually are entitled to access to the Sovereign, the Commons enjoy the right as a body. Members of Parliament are exempted from jury duty but they are bound to attend courts in their capacity as witnesses in all civil and criminal proceedings.

(b) *House of Lords*.—The House is according to the present

**Constitution of
House of Lords.**

constitution composed of 600 members out of whom 24 are Bishops according to the seniority of consecration, 16 Scottish representative Peers elected by

the whole of Scottish Peers, 28 Irish Peers who sit for life and 6 Judicial members known as Lords of Appeal in ordinary sitting as life peers only by virtue of their office. The House of Lords as it is at present constituted is mainly hereditary in character.

F.—DUTIES AND FUNCTIONS OF PARLIAMENT

[1] The duties of Parliament according to the above cons-

**Duties of Parlia-
ment defined**

titution may be divided into three distinct heads:—

- (a) That of criticism involving careful scrutiny and control of the measures and action of the executive and administrative heads by means of questions, formal enquiries and resolutions.
- (b) The second function is the exercise of powers of a Judicial character in their capacity of High Court and Parliament, viz: the powers possessed by each of the Houses to deal with its constitution and conduct of its own members, the power of the Lords to try their own members when charged with treason or felony, the jurisdiction of Lords in their capacity of final court of appeal for the United Kingdom. The power of the two Houses acting jointly to carry impeachment of public officers.

(c) To make laws and resolutions for the nation and dependencies.

The chief functions of Parliament of to-day are those of legislation and financial and administrative control.

[2] According to old traditions, customs, and enactments

Limitation of powers of House of Lords.

all Bills passed by the House of Commons were required to be submitted for approval to the House of Lords and no Bill could become a law unless assented to by both the Houses. But the Parlia-

ment Act of 1911 has limited the legislative and financial powers of the House of Lords in the following respects:—

(a) “ A public Bill passed by the House of Commons and certified by the speaker to be within the terms of the Act a “money bill” shall, unless the Commons direct to the contrary, become an Act of Parliament on the royal assent being signified notwithstanding that the House of Lords may not have consented to the Bill within one month after it shall have been sent up to that House.

(b) Any other public Bill [except one to extend the maximum duration of Parliament beyond five years] which is passed by the House of Commons in three successive sessions, and which having been sent up to the House of Lords atleast one month, in each case, before the end of the sessions, is rejected by that chamber in each of those sessions, shall unless the House of Commons direct to the contrary, become an Act of Parliament on the royal assent being signified thereto notwithstanding the fact that the ‘House of Lords has not concented to the Bill. It is, however, required that atleast two years shall have elapsed between the date of the second reading of such a Bill in the first of these sessions of the House of Commons and the final passage of the Bill in the third of the sessions.”

[3] According to the Indian constitution under the Reform

House of Lords compared with State Council.

Act the Indian Legislature consisting of (a) the Council of State and (b) the Legislative Assembly will occupy position analogous to those of the House of Lords and the Commons, while the Go-

vernour-General is called upon to perform the functions of His Majesty the King-Emperor in the matter of giving his assent to any Bill passed by both the chambers. There is no second chamber for the Provincial Legislatures. The assent of the Provincial Governor is sufficient for the validity of any Bill passed by a Local Legislature.

G.—SECRETARY OF STATE AND THE INDIA COUNCIL.

(1) Subject to parliamentary supervision in general the

working of the Government of India is

Government of India supervised by Secretary of State.

controlled by (a) the Secretary of State (b) The secretary of State for India in Council & (c) the India Council.

(2) The Secretary of State is empowered to superintend,

direct and control all acts, operations and concerns which relate to the Government or revenues of India and all grants

Powers of Secretary of State.

of salaries, gratuities and allowances and all other payments and charges out of or on the revenues of India.

(3) According to the new Reform Act the salary of the

Secretary of State shall be paid, and the salaries of his Under-Secretaries and all other expenses of his Department may be paid, out of money provided by Parliament. This is an important change made by the new law

Payment of salaries of Secretary of State & his Under-Secretaries out of Parliamentary funds.

(4) The Secretary of State will be assisted by a Council

called the "India Council" which will now consist of not less than eight and not more than ten members as he may

Constitution of India Council.

determine. This will not affect the tenure of office of any person

who is a member of the Council at the time of the passing of the new law.

(5) The Secretary of State is given the right of filling any vacancy in the Council and unless at the time of an appointment to his Council half of the existing members are persons who have either served or resided in British India for atleast ten years and have not left British India more than 5 years before the date of their appointment; the person so appointed must possess the above qualifications

Right to fill vacancy in the India Council.

(6) Every member of the India Council will hold office for a term of five years but this new provision will not affect the tenure of office of the existing members. On the expiry of the term of office of any member he is eligible for re-appointment and may be so re-appointed for special reasons of public advantage which must be set forth in a minute signed by the Secretary of State and laid before both Houses of Parliament.

Term of office of members.

(7) Any member of the India Council may voluntarily resign his office or be removed by His Majesty on an address of both Houses of Parliament.

Resignation by & removal of any member of India Council

(8) Every member of the Council of India will receive an annual salary of twelve hundred Pounds and if he is a person domiciled in India will receive a further subsistence allowance of six hundred pounds per year. Indians, Anglo-Indians and Europeans domiciled in India will thus get an annual sum of £ 1800.

Salaries of members.

(9) Any person already in service of the Crown in India may be appointed as a member of the Council before completion of the full period of his service and his service as such member shall count towards pension.

Persons in the service of the Crown may be admitted as members.

(10) The existing provisions regarding the quorum for

Existing provision regarding quorum and weekly-meetings no longer in force

meetings of the India Council and the provision requiring weekly meetings of the Council to be held have been done away with under the new enactment.

(11) The Secretary of State is now empowered to provide for a quorum by special directions.

Quorum to be fixed by the Secretary of State.

(12) No member of the India Council is competent to sit as a member of Parliament or be entitled to vote therein.

Members of India Council not to sit in Parliament.

(13) The Secretary of State will be the President of the

Secretary of State to be President. He may appoint Vice-President.

India Council and will have power to vote. He can appoint any member of the Council as *Vice-President* and he has the power to remove the person so appointed.

(14) All meetings of the India Council are to be presided over by the Secretary of State or in his

Who is to preside over meetings of India Council.

absence by the *Vice-President* and if neither is present any member present may be chosen to preside and such meetings of the Council shall be con-

vened and held as the Secretary of State may direct.

(15) The powers of the Secretary of State at meetings of the

Secretary of State may over-rule his Council.

Council are very great. All questions at the meeting must be decided by a majority of votes and in case of equality of votes the person presiding has a second or casting vote. But if the Secretary of State is

present at any meeting of the Council and if there is a difference of opinion on any question, except that with regard to which a majority of votes at a meeting is declared by law to be necessary, the final determination rests with the Secretary of State.

(16) If the Secretary of State is absent from any meeting

Secretary of State's consent required for acts done in his absence.

of the India Council all acts done at the meeting in his absence require his approval in writing.

(17) The Secretary of State is a member of either House of Parliament. He is also a minister of the British Cabinet and a Privy Counsellor. Being a member of the Cabinet he is responsible to Parliament and represents its authority. He is assisted by two Under-Secretaries, one of whom is a member of the Civil Service and the other is parliamentary and he changes with the Government.

(18) The Secretary of State draws a salary of £ 5000 a year. The permanent Under-Secretary gets £ 2000, and the Parliamentary Under-Secretary receives £ 1500, per annum.

(19) The Secretary of State is empowered to constitute Committees of the India Council for the more convenient transaction of business and to direct what departments are to be placed under those committees and he may generally direct the manner in which the business of the Secretary-of-State-in-Council or the Council of India shall be transacted and any order made or act done by him in accordance with such direction shall be treated as being an order of the Secretary-of-State-in-Council.

(20) In order to give full effect to the provisions of the new Reform Act the Secretary-of-State-in-Council can by rule regulate and restrict the exercise of the powers of superintendence, direction and control over Indian affairs. But a draft of the rules relating to reserved subjects proposed to be made by the Secretary of State must be laid before both Houses of Parliament and such rules cannot be made unless both Houses approve of the draft by means of a resolution.

(21) His Majesty may by order in Council appoint a High Commissioner for India in the United Kingdom and make provision for his pay, powers, duties and conditions of employment. His salary will be paid out of Indian revenues and he will perform for India functions of agency as distinguished from political functions, analogous to those now performed in the office of the High Commissioner of Dominions.

Chapter---III

The Central Government.

OR

THE GOVERNMENT OF INDIA.

—0—

(1) All revenues of India shall be received for and in the

Revenues of India
how applied.
of India alone.

name of His Majesty and shall be applied for the purposes of the Government

(2) The Governor-General of India is appointed by His

Appointment of
Governor-General
His subordination to
the Secretary of
State.

Majesty and the superintendence, direction and control of the Civil and military government of India is vested in him but he is required to pay due obedience to all

such orders as he may receive from the Secretary of State.

(3) He receives a salary of Rs. 2,60,00/- per annum and his

His term of office
and remuneration.

term of office is for five years.

(4) The Governor-General is assisted in the administration

Governor-General's
Executive Council.

of Indian affairs by an Executive Council which shall consist of such members as

may be determined by the Government but at least three of the total number of members appointed to this Executive Council shall be Indians as suggested by the Joint Committee.

(5) The Governor-General is the Executive Head of all

Governor-General
is the executive head
of all Local Adminis-
trations.

Provincial Local Administrations and he carries on the executive administration of all Indian affairs with the help of his Executive Council.

(6) He is also the Head of the Indian Legislature which

He is also head of
Indian Legislature.

shall consist of two chambers, namely, (a) the Council of State and (b) the Legislative Assembly and no bill shall be deemed to have been

passed by the Indian Legislature unless it has been agreed to by both Chambers.

(7) The Council of state shall consist of not more than **Strength of Council of State.** sixty nominated and elected members of whom not more than twenty shall be official members. It shall have a President who will be appointed by the Governor-General.

(8) The Council of State shall continue for five years but it **Period of existence of Council of State.** may be sooner dissolved by the Governor General who shall after such dissolution fix a date not later than six months, or with the sanction of the Secretary of State not later than 9 months, for the next session of the Council to meet.

(9) The Governor-General may summon the members of the State Council for the purpose of **Council of State may be summoned by Governor-General.** addressing them,

(10) The Indian Legislative Assembly shall consist of 143 **Constitution of Indian Legislative Assembly.** members who shall be nominated and elected according to rules framed under the principal Act. These rules may provide for increasing the number of such members and may vary the proportion which the classes of members of the Council shall bear one to another but atleast five-seventh of the total shall be elected and atleast one-third of the other members shall be non-official members.

(11) Following the above principle the Legislative Assembly **Total number of members in Indian Assembly.** is to contain 143 members of whom atleast 102 members will be elected and not less than 15 members will be non-official

members nominated by the Government to represent the minorities. The rest may be official members so that the Legislative Assembly will consist of a vast majority of non-official members most of them will be elected.

(12) As in the case of the Council of State so in the case of the Legislative Assembly, the Governor-General is given the right of requiring the attendance of the members of the Legislative Assembly with a view to address them on any particular subject. **Members of Legislative Assembly may be summoned by the Governor-General.**

(13) The Legislative Assembly will have a President and a

Legislative Assembly to have President and Dy. President.

Deputy President, both of whom will be elected from among the members of the Assembly. But the President in the first instance will be appointed by the

Governor-General for a period of four years.

(14) An elected President and Deputy President will hold

Salaries of President and Dy. President.

office so long as they continue members of the Legislative Assembly and will receive such salaries as may be fixed by

the Indian Legislature which means the Governor-General and the two Chambers. But an appointed President will receive such salary as may be determined by the Governor-General.

(15) The Legislative Assembly will exist for three years

Tenure of the term of Legislative Assembly.

from the date of the first meeting and not from the date of election of members thereof. But the Governor-General is

authorised to dissolve either Chamber earlier or he may extend the period of any Chamber under special circumstances.

(16) After the dissolution of either Chamber a date not

After dissolution date of new Council to be fixed.

later than 6 months, and not later than 9 months with the sanction of the Secretary of State, shall be fixed by the Governor-General for holding the next session

of the Council or Assembly as the case may be and all fresh elections must be completed by that date.

(17) Time and place for holding the sessions of the Council of State and the Legislative Assembly will be appointed by the Governor-

Time and place of meetings.

General who may from time to time prorogue such sessions by notification or otherwise. The adjournment of any meeting of the Indian Legislature may also be made by the person presiding.

(18) All questions will be decided by majority of votes

Questions to be decided by majority of votes.

and in case of equal votes the President will have a casting vote.

(19) No official will be qualified to stand as a candidate at any election of members of the Council of State or Legislative Assembly and if any non-official member of the Chamber accepts service under the Crown he shall

Officials not qualified to stand as candidates.

cease to be member thereof and an elected member of one Chamber cannot at the same time remain a member of another Chamber.

(20) Members of the Governor-General's Executive Council will be nominated as members of any of the two Chambers and in their capacity as members of one Chamber they shall have a right to attend the other Chamber but they will not be members of both the Chambers.

Nomination of members of Governor General's Executive Council in the Chambers.

(21) Rules made under the Government of India Act of 1915-16 shall make regulations with regard to the following matters:—

Framing of rules to regulate certain matters.

- (a) the term of office of nominated members of the two chambers and the manner in which casual vacancies are to be filled up.
- (b) Conditions and manner of nominating members of the State Council and the Legislative Assembly.
- (c) Laying down the qualifications of electors, establishing several constituencies in all parts of British India and prescribing the manner in which members shall be elected by communal and other electorates.
- (d) Qualifications for nominated and elected members of both the Chambers.
- (e) Mode of deciding disputes and settling doubts with regard to the validity of any election.
- (f) Regulating the course of business and the preservation of order in the Chambers, the number of members required to form a quorum, prohibiting or regulating the asking of questions on and the discussion of any subject specified in the Rules.
- (g) Such other general and supplemental provisions as may appear necessary.

- (22) If there is any matter with regard to which the rules are silent, authority is given to make standing orders regarding the conduct of

Power to make standing orders.

business and the procedure to be followed in either Chamber.

- (23) The law lays down that the Governor-General-in-Council shall make the first set of standing orders which may subsequently be modified with his consent by any Chamber to which those orders relate.

First standing orders to be made by Governor-General.

- (24) All members of the Council of State and the Legislative Assembly shall enjoy perfect freedom of speech and no person shall be liable to any proceedings by reason of his speech or vote in either chamber.

Members of both Chambers to have freedom of speech.

- (25) The annual statement of revenues and expenditure called the "Indian Budget" prepared by the Governor-General-in-Council shall be laid before both Chambers of the Indian Legislature for discussion and all proposals of the Government of India for the appropriation of any sum of money relating to various heads of expenditure shall be submitted to the vote of the Legislative Assembly by way of demand for grants.

Indian Budget.

- (26) The following subjects shall be outside the discussion of either Chamber unless the Governor-General otherwise directs:—

Subjects excluded from discussion.

- (a) Interest and sinking fund charges on loans.
- (b) Such expenditure, the amount of which is already prescribed by any provision of law.
- (c) Salaries and pensions of persons appointed by or with the approval of His Majesty or by the Secretary of State in Council.
- (d) Salaries of Chief Commissioners and Judicial Commissioners.
- (e) Expenditure classified by the order of the Governor-General-in-Council such as—
 - (i) ecclesiastical,
 - (ii) political,
 - (iii) Defence.

In case of doubt as to whether any proposed appropriation of revenue or money relates to any of the above heads the decision of the Governor-General shall be final.

(27) The Indian Budget as framed by the Governor-General-in-Council shall be submitted to the vote of the Legislative Assembly which may assent or refuse its assent to any demand or may reduce particularly or in its entirety the whole grant on any item of expenditure.

(28) The Budget as amended or revised shall be submitted to the Governor-General-in-Council who shall act as if it has been assented to by the Assembly notwithstanding the fact that its assent has been withheld or certain items of expenditure referred to therein have been cut down by it. But this can only be done if the Governor-General-in-Council declares that he is satisfied that any demand which has been refused by the Assembly is essential to the proper discharge of his responsibilities.

(29) The Governor-General is, however, given power in cases of emergency to authorize such expenditure as may, in his opinion, be necessary for the safety or tranquility of British India or any part thereof. This emergency power may be exercised by the Governor-General without his Council.

(30) It will appear from the foregoing provisions of the new Reform Act that the proposals for the appropriation of revenue relating to the various heads of expenditure shall be made by the Governor-General-in-Council

Governor-General alone empowered to deal with Budget.

i. e. after taking the votes of the members of his Executive Council and the same shall be submitted to the vote of the Legislative Assembly. The amended Budget shall be submitted to the Governor-General in-Council but the Governor-General alone without sitting in Council shall have the authority of sanctioning any particular item of expenditure under circumstances mentioned in the preceding clause though it may be vetoed by the Legislative Assembly.

(31) Similarly the powers of the Governor-General, when

Governor-General's power in case Indian Legislature refuses to pass any Bill.

either Chamber of the Indian Legislature refuses leave to introduce or fails to pass in a form recommended by him any Bill, are immense. He can certify that the

passage of the Bill is essential for the safety, tranquility or interest of British India or any part thereof.

(32) On such a certificate being granted the Bill shall, on

Effect of certificate & signature by Governor-General.

the signature of the Governor-General, become an act of the Indian Legislature notwithstanding that it has not been

consented to by both Chambers or it has been passed by one Chamber but not by the other.

(33) It is further provided that every such Act which has

Authorised copies of Acts to be laid before Parliament.

been passed on the sole authority and signature of the Governor-General shall be laid as soon as practicable before both Houses of Parliament and shall not

have any effect,

[a] unless it has received His Majesty's assent. This will be done on the recommendation of the Secretary of State who shall have an opportunity of carefully examining the contents of the Bill before advising His Majesty to give his consent to it

[b] no such Bill shall be presented to His Majesty unless copies thereof have been laid before each House of Parliament for not less than eight days before the sitting of the House takes place.

[c] Upon the signification of such assent by His Majesty in Council the Governor-General shall cause notification thereof to be published

The Act shall then have the force of law.

(34) But the Governor-General may direct that such an

Governor-General's emergency power to bring any Act into force forthwith.

enactment shall come into force forthwith if in his opinion a state of emergency exists justifying such action to be taken by him. Even in such a case His

Majesty is not precluded from disallowing the Act.

(35) It shall not be lawful for any member of either Chamber to introduce at any meeting of the Council any measure affecting :—
Certain measures excluded from the jurisdiction of either Chamber.

- [a] the public debt or public revenues of India, or imposing any change on the revenues of India; or
- [b] the religion or religious rites and usages of any class of British subjects in India; or
- [c] the discipline or maintenance of any part of His Majesty's military or naval forces; or
- [d] the relations of the Government with foreign Princes or States; or any measure:—
- [e] regulating any provincial subject, or any part of a provincial subject, which has not been declared by rules under the Principal Act to be subject to legislation by the Indian Legislature,
- [f] repealing or amending any Act or Ordinance made by the Governor-General.

(36) The Governor-General is invested by law with the special authority of directing that no further proceedings

Governor-General can stop further consideration of any Bill, clause or amendment. shall be taken by either Chamber in relation to any Bill or clause of the Bill introduced or proposed to be introduced or with regard to any amendment moved

or proposed to be moved and full effect shall be given to the direction so issued by him. But before adopting this course he will have to certify that the said Bill or any clause of it or the amendment proposed to be moved affects the safety or tranquility of British India or any part thereof.

(37) Secretaries to Council from among the members of the Legislative Assembly may be appointed by the Governor-General; they will hold office during his pleasure

Council Secretaries may be appointed from among the members. and will discharge such duties in assisting the members of his Executive Council as may be assigned to them.

Chapter-IV.

The Provincial Government,

OR

LOCAL ADMINISTRATION.

————— 0 —————

According to the present constitution of the Indian Administration there are the following forms of Government:—

- (a) Governors-in-Council,
- (b) Lieut. Governors-in-Council,
- (c) Lieut. Governors (without Council),
- (d) Chief Commissioners (without Council).

The Bombay Presidency, the Madras Presidency and the Province of Bengal fall within the first category for which Governors have been appointed who carry on the administration of their respective territories with the help of an Executive Council consisting of officers of the Indian Civil Service and one or two Indians as members. The Province of Behar and Orisa is the only Province administered by a Lieut. Governor-in-Council. The other Provinces under the administration of Lieut. Governors without Council are:—United Provinces, the Punjab and Burma; Chief Commissioners are appointed for the Provinces of C. P. and Berar, Assam, North Western Frontier Provinces, Delhi and Coorg but they have no Executive Council to assist them. The one important feature affecting all the Provinces of India, which was introduced under the Minto Reform Scheme, is that all of them except Delhi and Coorg have Legislative Councils in which there is a small non-official majority but the head of the administration, whether he be the Governor, or the Chief Commissioner, or the Lieut. Governor has the predominating *voice* in the administration and his decision prevails. He may or may not accept resolutions carried by a majority in the Legislative Council.

(2) According to the constitution proposed under the new Reform Act all Provinces will be governed by Governors who will be assisted by Executive Councils which will be created for each Province in addition to the Legislative Councils. These will be established in due course of time and will have a considerable majority of non-official members elected and nominated according to rules already framed.

(3) According to the distribution of work under the new Reform Act all subjects for the purpose of administration will be divided into two classes:

Distribution of works and classification of subject.

[a] *Central Subjects*;—these will include such subjects only the administration of which is reserved entirely with the Government of India:—

[b] *Provincial Subjects*;—these subjects will be classified according to rules which will be framed under the Government of India Act, 1915, and will be confined solely to those matters which relate to Provincial administration and which concern the Provinces exclusively.

(4) Provincial subjects, are further divided into two classes:—

Transferred and Reserved subjects.

[a] *Transferred Subjects*;—namely, such subjects as are transferred to Ministers for administration with the help of the Government.

[b] *Reserved Subjects*;—namely, such subjects as will be dealt with by the Governor and his Executive Council which consists of an equal proportion of Indian and Civilian members. The powers of superintendence, direction and control over Local Governments, which are vested in the Governor-General-in-Council under the Act of 1915-16 will, in relation to transferred subjects, be exercised only for such purposes as may be specified in the rules which will hereafter be made. But the Governor-in-Council is the sole judge as to whether in any particular case the purpose of the exercise of such powers falls within

the purpose so specified.

(5) In relation to the reserved subjects the administration of a Province under the new Reform Act will be carried on by the Governor-in-Council and in relation to transferred subjects by the Governor acting with Ministers appointed under the Act.

(6) The Governors of Bengal, Madras and Bombay will be appointed by His Majesty the King-Emperor, but Governors of other Provinces will be appointed after consultation with the Governor-General.

(7) The following schedule shows the salaries to be drawn by Governors and members of the executive Council in each Province:—

Province.	Salary of Governor per annum.	Salary of members of Executive Council per annum.
Bengal Madras Bombay	... Rs 1,28,000	Rs 64,000
United Provinces. Punjab Bihar & Orisa.	... Rs 1, 00,000	Rs 60,000
Central Provinces.	... Rs 72,000	Rs. 48,000
Assam.	... Rs. 66,000	Rs. 42,000
Lieut. Governor, (Burma)	... Rs. 1,00,000	...

The above are maximum salaries.

(8) The Governor of a Province is given the power by Section 4 of the Reforms Act to appoint Ministers who will not be members of the Executive Council or other officials to administer transferred subjects and such Ministers will hold office during the pleasure of the Governor. The Governor may find occasion to discharge a Minister in case of serious disagreement with regard to any question of policy.

(9) The Minister so appointed for any Province will receive the same salary as the members of the Executive Council in that Province. But the salary payable to a Minister will be liable to reduction on a vote of the Legislative Council of the Province.

(10) Every Minister appointed by the Governor to administer transferred subjects must be an elected member of the Local Legislature. If he is not an elected member his appointment as Minister will not remain in force for a longer period than six months, in which time he is expected to get himself elected to the Council.

(11) The Governor will be guided by the advice of his Ministers in regard to transferred subjects and if he sees sufficient cause to dissent from their opinion he can direct action to be taken otherwise than in accordance with their advice.

(12) The Governor of a Province is also given powers to appoint from among the non-official members of the Local Legislature a certain number of Council Secretaries who will hold office during the Governor's pleasure and will discharge such duties in assisting members of the Executive Council &c. as may be assigned to them. These Council Secretaries will be paid their salaries according to the vote of the Legislative Council. If a Council Secretary ceases to be a member of the Legislative Council he will not be competent to hold his office for a longer period than six months.

(13) The Governor will make rules and standing orders for the proper and convenient transaction of business in his Executive Council and with his Ministers. He will also make rules and orders for regulating the relation between his Executive Council and Ministers for the purpose of transacting the business of the Local Government.

(14) Every Province will have a Legislative Council consisting of the members of the Executive Council and of the

members nominated and elected according to the rules made under the Reform Act.

(15) According to the first schedule attached to the Reform Act the following will be the constitution of the Legislative Council in each Province:—

Madras	...	118 members.
Bombay	...	111 "
Bengal	...	125 "
United Provinces.	...	118 "
Punjab	...	83 "
Bihar and Orisa	...	98 "
Central Provinces	...	70 "
Assam	...	53 "

The law lays down that of the total members of a Council not more than 20 p. c. shall be official members and at least 70 p. c. shall be elected members. The balance of 10 p. c. is presumed to be for nominated members to represent minorities, so that according to the above constitution an overwhelming majority of elected members in the Legislative Council of each Province is secured.

(16) Subject to the maintenance of the above proportion Government may frame rules providing for increasing the number of members of any Council. Governors of Provinces are further authorized for the purpose of any Bill introduced or proposed to be introduced in their Legislative Councils to nominate, in the case of Assam one person and in the case of the other Provinces not more than two persons, having special knowledge and experience of the subject-matter of the Bill and the persons so nominated shall have all the rights of members of the Council and shall be in addition to the numbers mentioned in the foregoing schedule.

(17) All members elected by the assigned districts of Berar shall be nominated to the Legislative Council of the Central Provinces by the Governor, but shall be deemed to be elected members of the said Council.

(18) Rules are framed by Governors with regard to

the following matters;—

- [a] Terms of office of nominated members of the Legislative Councils, and the manner of filling casual vacancies.
- [b] Conditions under which and the manner in which nomination of members of the Legislative Council may take place.
- [c] Qualification of electors, mode of establishing constituencies and the method of election including the number of members to be elected for communal and other electorates.
- [d] Qualifications for being nominated or elected as a member of the Council.
- [e] The manner in which all doubts or disputes as to the validity of the election shall be decided.

(19) Any person who is a subject of any Native State in India may be nominated as a member of the Governor's Legislative Council. In the Central Provinces Council a Feudatory Chief may be nominated as a member.

(20) The local Legislative Council shall continue to exist for three years from the date of its first meeting but the Governor has the power of dissolving the Council at an earlier date or of extending the period of the existence of the Council under special circumstances by notification in the official Gazette. In the case of a dissolution of the Council the Governor must appoint a date not later than six months or with the sanction of the Secretary of State not later than 9 months from the date of the dissolution of the Council. During this period fresh elections will take place.

(21) The Governor is given the power to appoint such time and place for holding the session of the Council as he thinks fit and may by notification or otherwise prorogue the Council. But any meeting of the Legislative Council may be adjourned by the person presiding over it.

(22) All questions in a Legislative Council will be decided by majority of votes of the members present excluding the vote

of the presiding officer who has, however, a casting vote in the case of an equality of votes.

(23) Every Legislative Council shall have a President. The first President will be appointed by the Governor for a period of 4 years and thereafter the President shall be elected by the members of the Council with the approval of the Governor.

(24) There shall also be a Deputy President of a Legislative Council who shall preside at all the meetings of the Council in the absence of the President. But it must be understood that the elected President and the Deputy President must both be members of the Council and as soon as they cease to be members of the Council they will be incompetent to hold their offices.

(25) The President or Deputy President of the Legislative Council may resign or be removed from office by a vote of the Council, but in the case of removal the concurrence of the Governor is required.

(26) The President and the Deputy President will receive such salaries as may be determined in the case of an appointed President by the Governor, and in case of an elected President or Deputy President by an act of the Legislature.

(27) It will thus be seen that the following high offices will be filled by persons who must be members of the Council and who will all be salaried men receiving emoluments according to the decision of the Legislative Council:—

- [a] Ministers appointed by Governors for the administration of transferred subjects.
- [b] Presidents and Deputy Presidents elected by the Council.
- [c] Council Secretaries appointed by the Governor to assist the Legislative Council and the Executive Council and the Ministers.

(28) There is no provision in the Act regarding the payment of allowances to members of the Legislative Council such as exists for members of House of Commons in the British Parliament.

(29) The chief function of the Local Legislature of a Province will be to make laws for the peace and good government of the territories for the time being constituting the [particular Province of the Local Legislature. It may also, subject to the provision of the Reform Act, repeal or alter any law made either before or after the commencement of the Reform Act by any authority in British India other than that Local Legislature.

(30) But no Local Legislature except with the previous sanction of the Governor-General can make or take into consideration any law which imposes or authorises the imposition of any tax unless the tax is one which is scheduled as exempted from the operation of this provision by rules made under the principal Act of 1915, or which affects the public debt of India or the customs duties or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purpose of India, or which affects the discipline or maintenance of any part of His Majesty's naval, military or air forces, or which affects the relation of the Government with foreign Princes or States, or which undertakes to regulate any central subject, or which regulates any Provincial subject which has been declared by rules made under the law to be either wholly or partially subject to legislation by the Indian Legislature, or which affects any power, expressly reserved to the Governor-General-in-Council, or which alters or repeals the provisions of any law which having been made before the commencement of this Act by any authority in British India other than the Local Legislature, is declared by rules made under the law to be a law which cannot be repealed or altered by the Local Legislature without previous sanction, or which alters or repeals any provision of any Act of Indian Legislature made after the commencement of the Reform Act, which, by the provision of that Act, should not be repealed or altered by the Local Legislature without the previous sanction. It must also not be forgotten that the Local Legislature of any Province is not given the power to make any law affecting the Act of Parliament.

(31) In addition to the law-making power vested in the Local Legislative Council the Provincial Budget containing an estimate of the expenditure and revenue of the Province must also be laid in the form of a statement before the Council for the ensuing year and the proposals of the Local Government for the appropriation of Provincial revenues in any particular year shall be submitted to the vote of the Council.

(32) When the Provincial Budget is so laid the Council may assent or refuse its assent to any demand for expenditure made in the Budget subject to the following proviso:—

[a] If the demand in the Budget relates to a reserved subject and the Governor certifies that any particular item of expenditure provided in the Budget is essential for the discharge of his responsibility, the Local Government shall have the power, in relation to such demand, to act as if it has been assented to notwithstanding the fact that the Council has not given its assent to the proposed expenditure.

[b] In case of emergency the Governor shall have the power to authorise such expenditure as may in his opinion be considered necessary for the safety and tranquility of the Province or for the administration of any department.

[c] No proposal for the appropriation of any revenue or monies shall be made except on the recommendation of the Governor which will be duly communicated to the Council,

(33) The following heads of expenditure shall not be subjected to the vote of the Council;—

[i] Contributions payable by the Local Government to the Governor-General-in-Council.

[ii] Interest and sinking fund charges and loans.

[iii] Expenditure for which the amount is prescribed by or under any law.

[iv] Salaries and pensions of the persons appointed by or with the approval of His Majesty or with the sanction of the Secretary of State.

[v] Salaries of High Court Judges and the Advocates-General.

The decision of the Governor shall be final on any question arising as to whether any proposed appropriation of money does or does not relate to the above heads of expenditure.

(34) The Governor is given the power of directing that no proceedings nor any further proceedings shall be taken by the Council in relation to any bill, clause or amendment which has been introduced or is proposed to be introduced or any amendment thereof which is moved or is proposed to be moved in the Legislative Council. But before doing so, he will have to certify that the bill or any clause of it or the amendment thereto affects the safety or tranquility of his Province or any part of it or of any other Province.

(35) When such a certificate is given and direction issued by the Governor in the manner mentioned in the last preceding paragraph the Council shall not take any further action but drop all proceedings relating to any bill, amendment or motion which may be proposed or which may be in contemplation. This mandatory power can be exercised by the Governor only before the final passing of the bill by the Council so that he can pass orders to stop the further progress of any bill which has been introduced into the Council or prevent the introduction of any bill or prohibit the consideration of any amendment to the provisions of any bill.

(36) There is no provision in the Reforms Act by means of which the action of the Governor in preventing the introduction of any bill or amendment of any bill can be subjected to the revision of the Indian Legislature or reserved for the consideration of the Governor-General-in-Council. The Governor's order appears to be the final authority in all such matters.

(37) Power is given to make rules for the purpose of carrying into effect the provisions of the Reform Act, for regulating the course of business in the Council and as to the persons who will preside over the meetings in the absence of the President and the Deputy President, and the preservation of order

at the meetings. The number of members required to constitute a quorum is also left for determination by rule. Prohibition of questions and procedure for asking questions and the discussion on any subject specified in the rules are also not provided for by law but will be regulated by rules.

(38) In addition to the rules under the Reform Act certain standing orders may be made regarding the conduct of business and the procedure to be followed in the Council with regard to such matters as are not provided for by the rules. The first standing orders have to be made by the Governor-in-Council but all subsequent orders may be made by the Local Legislature with the consent of the Governor. This may include the alteration of the first standing orders made by the Governor but care will be taken to see that the standing orders are not in any way repugnant to the provision of the rules or the existing Law on the subject.

(39) Members of the Provincial Legislative Council will have freedom of speech and no member will be liable to any prosecution in court by reason of any speech or opinion which he may make or give in such Council.

(40) A Provincial Legislative Council with a standing majority of non-official members is at liberty to pass or veto any bill presented before it by the Government through its Ministers or Executive Councillors, and any bill presented by any member of the Council can also be dealt with by the Council in the manner aforesaid. But a bill so passed shall not come in operation unless assent of the Governor of the Province is obtained thereto.

(41) On receipt of a bill passed by the Provincial Legislative Council the Governor has got the power of either assenting to it or with-holding his assent therefrom. He may, however, instead of adopting any of these two alternatives return the bill to the Council for re-consideration either in whole or in part together with any amendments which he may propose.

(42) The third alternative which the Governor is empowered to adopt is that he may reserve the bill for the consideration

of the Governor-General if the rules made under the Government of India Act of 1915-16 empower him to do so, but if the rules so made under the aforesaid enactment require him to do so then it will be his duty to submit the bill for the consideration of the Governor-General.

(43) When the bill is so reserved for the consideration of the Governor-General, the Governor still has the power of returning the bill for further consideration by the Council with a recommendation that the amendments proposed by him shall be considered by the Council before he can take this action but he must obtain the consent of the Governor-General. This power can be exercised by the Governor at any time within 6 months from the date on which the bill has been reserved for the consideration of the Governor-General.

(44) When the bill is so returned to the Council for further consideration and if the Council still persists in confirming the bill with or without any amendments thereof, the bill so confirmed shall be again submitted to the Governor.

(45) Any bill which has been reserved for the consideration of the Governor-General shall become law if it has been assented to by the Governor-General within the period of 6 months from the date of such reservation, but the assent of the Governor-General will have to be duly and properly published for the information of the general public.

(46) If the bill reserved for the consideration of the Governor-General is not assented to by him within the period mentioned above it shall have no effect unless the Governor, before the expiry of that period, thinks fit to return the said bill to the Legislative Council for further consideration, or in case the Council is not holding its sessions the Governor publishes a notification expressing his intention to return the bill to the Council at the commencement of the next sessions.

(47) When there is a difference of opinion between the Governor-General's power to reserve the Act. Legislative Council and the Governor of a Province with regard to the passage of any bill and when such a bill has been reserved for the consideration of the Governor-General, the Governor-General has also the power of reser-

ving the Act for the signification of His Majesty's pleasure thereto. In such a case he neither assents to nor with-holds assent from the enactment. When such a reservation is made, the Act has no validity until His Majesty-in Council has signified his assent and the assent so signified has been duly notified by the Governor-General.

(48) From the above it follows that in case both the

H. M. to be the final Judge when Pro: Governor, Governor-General and local Legislative Council disagree.

Governor and the Governor-General differ from the opinion of any Provincial Legislative Council with regard to the passage of any bill His Majesty is the final judge.

(49) When any bill dealing with a reserved subject has been

Governor's power to certify in emergency cases and reserved subjects.

rejected by the Legislative Council in the form recommended by the Governor, which relates to a reserved subject the Governor has the power of certifying

that the passage of bill is essential for the discharge of his responsibility for that subject. When such a certificate is given the bill shall be deemed to have been passed and shall, on being signed by the Governor, become an Act of the Local Legislature although the Council have not given their assent to it. This is a power which is to be exercised by the Governor in certain emergent cases but the subject matter of the bill must relate to one of the reserved subjects.

(50) Whenever a Governor is inclined to take the step of

Authenticated copy to be sent to Governor-General.

passing a bill on his own responsibility he must forthwith send an authenticated copy of it to the Governor-General who

shall on receipt of such copy reserve the Act for the signification of His Majesty's pleasure. When His Majesty's assent has been signified and the Governor-General has notified the same the Act shall become law. It will thus appear that when a Governor desires to pass any law in opposition to the wishes of the local Legislative Council even the Governor-General has no power to endorse the opinion of the Governor but has to submit the Act to His Majesty-in-Council,

(51) But if it appears to the Governor-General that a state

Governor-General's power in emergency cases.

of emergency exists justifying such action he may instead of reserving the Act for the signification of His Majesty's assent, signify his own assent thereto

and thereupon the Act shall have full force. Even in such a case His Majesty-in-Council has the power of disallowing an Act assented to by the Governor-General.

(52) Any Act which has been passed by the Governor-General

Act passed by the Governor-General in-Council to be laid before Parliament.

on his own authority shall be laid before each House of Parliament, and such Act shall not be presented for His Majesty's assent until copies thereof have been laid before both Houses of

Parliament for not less than 8 days before the sitting of either House. This provision is made with the object of enabling members of both Houses to express their opinion on such an enactment and if the action of the Governor-General is not confirmed by the British Parliament the Act will not be presented to His Majesty for approval.

(53) The new law lays down that an official shall be disqualified

Officials not qualified for election as members of local Legislative Council.

for election as a member of the local Legislative Council and if any non-official member of the Council accepts any office in the service of the Crown in India he must vacate his seat in the Council

but a Minister appointed by a Governor is an exception to this rule.

Chapter-V.

A. Miscellaneous.

The Governor-General-in-Council is vested with the power of declaring any territory in British India to be a backward tract. After such declaration he may by notification direct that the Government of India Act of

Non-application of the Act to back-ward tract.

1915-16 as well as the provisions of the Reforms Act shall apply to that territory subject to such exceptions and modifications as may be prescribed in the notification. The Governor-General has also the power of with-holding the application of any Act of the Indian Legislature to any territory declared backward, or to any part thereof, or he may declare that the said Act shall apply with such exceptions and modifications as he may consider necessary. Any such declaration or act of the Governor-General shall not be called in question in any legal proceedings.

B. Final.

At the expiration of ten years from the passing of the Indian

Appointment of commission of enquiry at the end of ten years.

Reform Act a commission shall be appointed for the purpose of enquiring into the working of the new system of Government, the growth of education and the development of representative institutions

in British India. The commission will be instructed to report as to whether and to what extent it is desirable to establish the principle of responsible Government or to extend, modify or restrict the degree of responsible Government existing, and whether the establishment of a Second Chamber in each Province is or is not desirable.

Appendices.

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Proclamations.

No. I

(A) Queen Victoria's Proclamation.

(November 1st, 1858.)

Victoria, By the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen Defender of the Faith.

Whereas, for divers weighty reasons, we have resolved by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to take upon ourselves the Government of the Territories in India heretofore administered in trust for us by the Honorable East India Company:—

Now therefore, we do by these Presents notify and declare that by the advice and consent aforesaid, we have taken upon ourselves the said Government; and we hereby call upon all our Subjects within the said Territories to be faithful, and to bear true allegiance to us, our Heirs, and Successors, and to submit themselves to the authority of those whom we may hereafter, from time to time, see fit to appoint to administer the Government of our said Territories, in our name and on our behalf.

And we, reposing especial trust and confidence in the loyalty, ability, and judgment of our right, trusty and well beloved cousin and councillor, Charles John Viscount

Canning, do hereby constitute and appoint him, the said Viscount Canning, to be our first Viceroy and Governor General in and over our said Territories, and to administer the Government thereof in our name, and generally to act in our name and on our behalf, subject to such orders and Regulations as he shall, from time to time, receive from us through one of our Principal Secretaries of State:

And we do hereby confirm in their several offices Civil and Military, all Persons now employed in the service of the Honorable East India Company, subject to our future pleasure, and to such Laws and Regulations as may hereafter be enacted.

We hereby announce to the Native Princes of India that all Treaties and Engagements made with them by or under the authority of the Honorable East India Company are by us accepted, and will be scrupulously maintained, and we look for the like observance on their part.

We desire no extension of our present territorial Possessions, and while we will permit no aggression upon our Dominions or our Rights, to be attempted with impunity, we shall sanction no encroachment on those of others. We shall respect the Rights, Dignity and Honour of Native Princes as our own; and we desire that they, as well as our own subjects, should enjoy that Prosperity and that social advancement which can only be secured by internal Peace and good Government.

We hold ourselves bound to the Natives of our Indian Territories by the same obligations of duty which bind us to all our other subjects: and those obligations, by the Blessing of Almighty God, we shall faithfully and consci-

entiously fulfil.

Firmly relying ourselves on the truth of Christianity and acknowledging with gratitude the solace of Religion, we disclaim alike the Right and the desire to impose our convictions on any of our subjects. We declare it to be our Royal will and Pleasure that none be in any wise favoured, none molested or disquieted by reason of their Religious Faith or observances; but that all shall alike enjoy the equal and impartial protection of the Law; and we do strictly charge and enjoin all those who may be in authority under us, that they abstain from all interference with the Religious Belief or worship of any of our subjects on pain of our highest Displeasure.

And it is our further will that, so far as may be, our subjects, of whatever Race or Creed, be freely and impartially admitted to offices in our service, the Duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.

We know, and respect, the feelings of attachment with which the Natives of India regard the Lands inherited by them from their Ancestors; and we desire to protect them in all Rights connected therewith, subject to the equitable demands of the State; and we will that generally, in framing and administering the Law, due regard be paid to the ancient Rights, usages, and customs of India.

We deeply lament the evils and misery which have been brought upon India by the acts of ambitious Men, who have deceived their countrymen, by false reports, and let them into open Rebellion, Our Power has been shewn by the Suppression of that Rebellion in the field;

we desire to shew our Mercy, by pardoning the offences of those who have been thus misled, but who desire to return to the path of Duty.

Already in one Province, with a view to stop the further effusion of blood, and to hasten the Pacification of our Indian Dominions, our Viceroy and Governor-General has held out the expectation of Pardon, on certain terms to the great majority of those who, in the late unhappy Disturbances, have been guilty of offences against our Government, and has declared the Punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of our Viceroy and Governor-General, and do further announce and proclaim as follows:—

Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the Murder of British Subjects. With regard to such, the Demands of Justice forbid the exercise of Mercy.

To those who have willingly given asylum to Murderers, knowing them to be such, or who may have acted as leaders or instigators in Revolt, their lives alone can be guaranteed; but in apportioning the penalty due to such Persons, full consideration will be given to the circumstances under which they have been induced to throw off their Allegiance; and large indulgence will be shown to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing Men.

To all others in Arms against the Government, we hereby promise unconditional Pardon, Amnesty, and

oblivion of all, offence against ourselves, our crown and Dignity, on their return to their homes and peaceful pursuits.

It is our Royal pleasure that these Terms of Grace and Amnesty should be extended to all those who comply with their conditions before the First Day of January next.

When, by the Blessing of Providence, internal Tranquillity shall be restored, it is our earnest Desire to stimulate the peaceful Industry of India, to promote works of Public Utility and Improvement, and to administer its Government for the benefit of all our subjects resident therein. In their Prosperity will be our strength; in their contentment our security; and in their Gratitude our best Reward. And may the God of all Power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.

**(B) Queen Victoria's Letter to the
Earl of Derby.**

(15th August 1858).

The Queen has asked Lord Malmesbury to explain in detail to Lord Derby her objection to the draft of Proclamation for India. The Queen would be glad if Lord Derby would write it himself in his excellent language, bearing in mind that it is a female Sovereign who speaks to more than 100,000,000 of Eastern people on assuming the direct Government over them after a bloody civil war, giving them pledges which her future reign is to redeem, and explaining the principles of her Government, Such a document should breathe feelings of generosity, benevolence and religious feeling, pointing out the privileges

which the Indians will receive in being placed on an equality with the subjects of the British Crown, and the prosperity following in the train of civilisation,

No. II

Queen Victoria's Proclamation, 1876.

Whereas an Act has been passed in the present sessions of Parliament entitled "An Act to enable Her Most Gracious Majesty to make an addition to the Royal style and Titles appertaining to the Imperial Crown of the United Kingdom and its Dependencies", which Act recites that, by the Act for the union of Great Britain and Ireland, it was provided that after such Union the Royal style and Titles appertaining to the Imperial Crown of the United Kingdom and its Dependencies should be such as His Majesty by His Royal Proclamation under the Great Seal of the United Kingdom should be pleased to appoint; and which Act also recites that, by virtue of the said Act, and of a Royal Proclamation under the Great seal, dated the 1st day of January 1801, our present style and Titles are "Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith;" and which Act also recites that, by the Act for the better government of India it was enacted that the Government of India, theretofore vested in the East India Company in trust for us, should become vested in us, and that India should thenceforth be governed by us and in our name, and that it is expedient that there should be a recognition of the transfer of Government so made by means of an addition to be made to our Style and Titles; and which Act, after the said recitals, enacts that it shall be lawful for us, with a view to such recognition as aforesaid of the transfer of the Government of India, by our

Proclamation under the Great Seal of the United Kingdom, to make such addition to the Style and Titles at present appertaining to the Imperial Crown of the United Kingdom, and its Dependencies as to Us may seem meet; We have thought fit, by and with the advice of Our Privy Council, to appoint and declare, and We do hereby, by and with the said advice, appoint and declare that henceforth, so far as conveniently may be, on all occasions and in all instruments wherein Our Style and Titles are used, save and except all Charters, Commissions, Letters Patent Grants, Writs, Appointments, and other like instruments, not extending in their operation beyond the United Kingdom, the following addition shall be made to the Style and Titles at present appertaining to the Imperial Crown of the United Kingdom and its Dependencies; that is to say in the Latin tongue in these words: '*India Imperatrix*'. And in the English tongue in these words; '*Empress of India*'.

And Our Will and Pleasure further is, that the said addition shall not be made in the Commissions Charters, Letters Patent, Grants, Writs, Appointments, and other like instruments, herein-before specially excepted.

And Our Will and Pleasure further is, that all gold, silver and copper moneys, now current and lawful moneys of the United Kingdom, and all gold, silver, and copper moneys which shall, on or after this day, be coined by Our authority with the like impressions, shall, notwithstanding such addition to Our Style and Titles, be deemed and taken to be current and lawful moneys of the said United Kingdom; and further, that all moneys coined for and issued in any of the Dependencies of the said United

Kingdom, and declared by Our Proclamation to be current and lawful moneys of such Dependencies respectively bearing Our Style, or Titles, or any part or parts thereof, and all moneys which shall hereafter be coined and issued according to such Proclamation, shall, notwithstanding such addition, continue to be lawful and current moneys of such Dependencies respectively, until Our Pleasure shall be further declared thereupon.

Given at Our Court at Windsor the Twenty-eighth day of April One thousand eight hundred and seventy-six in the thirty-ninth Year of our Reign.

“God save the Queen.”

King-Emperor Edward VII's Proclamation,

2nd November, 1908.

It is now 50 years since Queen Victoria, My beloved Mother, and My August Predecessor on the Throne of these Realms, for divers weighty reasons, with the Advice and Consent of Parliament, took upon herself the Government of the territories theretofore administered by the East India Company. I deem this a fitting anniversary on which to greet the Princes and Peoples of India, in commemoration of the exalted task then solemnly undertaken. Half a century is but a brief span in your long annals, yet this half a century that ends to-day will stand amid the floods of your historic ages, a far-shining land-mark. The Proclamation of the direct supremacy of the Crown sealed the unity of Indian Government and opened a new era. The journey was arduous, and the advance may have sometimes seemed slow; but the incorporation of many strangely diversified communities, and of some three hundred millions of the human race, under British

guidance and control has proceeded steadfastly and without pause. We survey Our labours of the past half a century with clear gaze and good conscience.

Difficulties such as attend all human rule in every age and place, have risen up from day to day. They have been faced by the servants of the British Crown with toil and courage and patience, with deep counsel and a resolution that has never faltered nor shaken. If errors have occurred, the agents of My Government have spared no pains and no self-sacrifice to correct them; if abuses have been proved, vigorous hands have laboured to apply a remedy.

No secret of empire can avert the scourge of draught and plague, but experienced administrators have done all that skill and devotion are capable of doing to mitigate those dire calamities of Nature. For a longer period than was ever known in your land before, you have escaped the dire calamities of War within your borders. Internal peace has been unbroken. In the great Charter of 1858 Queen Victoria gave you noble assurance of Her earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the Government for the benefit of all resident therein. The schemes that have been diligently framed and executed for promoting your material convenience and advance-schemes unsurpassed in their magnitude and their boldness-bear witness before the world to the zeal with which that benignant promise has been fulfilled.

The rights and privileges of the Feudatory Princes and Ruling Chiefs have been respected, preserved, and guarded; and the loyalty of their allegiance has been unswerving. No man among My Subjects has been favo-

ured, molested, or disquieted, by reason of his religious belief or worship. All men have enjoyed protection of the law. The law itself has been administered without disrespect to creed or caste or to usages and ideas rooted in your civilisation; it has been simplified in form, and its machinery, adjusted to the requirements of ancient communities slowly entering a new world.

The charge confided to My Government concerns the destinies of countless multitudes of men now and for ages to come, and it is a paramount duty to repress with a stern arm guilty conspiracies that have no just cause and no serious aim. These conspiracies I know to be abhorrent to the loyal and faithful character of the vast hosts of My Indian Subjects, and I will not suffer them to turn Me aside from my task of building up the fabric of security and order-

Unwilling that this historic anniversary should pass without some signal mark of Royal Clemency and Grace, I have directed that, as was ordered on the memorable occasion of the Coronation Durbar in 1903, the sentences of persons whom Our Courts have duly punished for offences against the law, should be remitted, or in various degrees reduced; and it is My wish that such wrong-doers may remain mindful of this act of Mercy and may conduct themselves without offence henceforth.

Steps are being continuously taken towards obliterating distinctions of race as the test for access to posts of public authority and power. In this path I confidently expect and intend the progress henceforward to be steadfast and sure, as education spreads, experience ripens and the lessons of responsibility are well learned by the keen intelligence and apt capabilities of India.

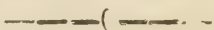
From the first, the principle of representative institutions began to be gradually introduced, and the time has come when, in the judgment of My Viceroy and Governor-General and others of My Counsellors, that principle may be prudently extended. Important classes among you, representing ideas that have been fostered and encouraged by British rule, claim equality of citizenship, and a greater share in legislation and Government. The political satisfaction of such a claim will strengthen, not impair, existing authority and power. Administration will be all the more efficient, if the officers who conduct it have greater opportunities of regular contact with those whom it affects, and with those who influence and reflect common opinion about it. I will not speak of the measures that are now being diligently framed for these objects. They will speedily be made known to you, and will, I am very confident, mark a notable stage in the beneficent progress of your affairs.

I recognise the valour and fidelity of My Indian troops, and at the new year I have ordered that opportunity should be taken to show in substantial form this, My high appreciation, of their martial instincts, their splendid discipline, and their faithful readiness of service.

The welfare of India was one of the objects dearest to the heart of Queen Victoria. By Me, ever since My visit in 1875, the interests of India, its Princes and peoples, have been watched with an affectionate solicitude that time can not weaken. My dear Son, the Prince of Wales, and the Princess of Wales, returned from their sojourn among you with warm attachment to your land, and true and earnest interest in its well-being and content

These sincere feelings of active sympathy and hope for India on the part of My Royal House and Line, only represent, and they do most truly represent, the deep and united will and purpose of the people of this Kingdom.

May Divine protection and favour strengthen the wisdom and mutual good will that are needed for the achievement of a task as glorious as was ever committed to Rulers and Subjects in any State or empire of recorded time



His Imperial Majesty King Emperor George V's letter to the Princes and People of India, 24th May, 1910.

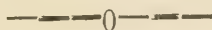
The lamented and unlooked for death of My dearly loved Father calls me to ascend the Throne that comes to me as the Heir of a great and ancient Line. As King and Emperor I greet the Princes, the Ruling Chiefs, and all the other dwellers in My Indian Dominions. I offer you my heartfelt thanks for the touching and abundant manifestation that this event has called forth from all the diverse races, classes and faiths in India, of loyalty to the Sovereign Crown, and personal attachment to its wearers.

Queen Victoria, of revered memory, addressed Her Indian Subjects and the Heads of Feudatory States when she assumed the direct Government in 1858, and Her August Son, My Father, of honoured and beloved name, commemorated the same most notable event in His Address to you some fifty years later. These are the Charters of the noble and benignant spirit of Imperial Rule, and by that spirit in all My time to come I will faithfully abide.

By the wish of his late Majesty, and following His own example, I visited India five years ago, accompanied

by my Royal Consort. We became personally acquainted with great kingdoms Known to history, with monuments of a civilisation older than Our own, with ancient customs and ways of life, with Native Rulers, with the peoples, the cities, towns, villages, throughout those vast territories. Never can either the vivid impressions or the affectionate associations of that wonderful journey vanish or grow dim.

Finally I confide in your dutiful and active co-operation in the high and arduous tasks that lie before Me; and I count upon your ready response to the earnest sympathy with the well-being of India that must ever be the inspiration of My rule.



Announcements of His Imperial Majesty
King-Emperor George V at the
Coronation Durbar.
December 12, 1911.

It is with genuine feelings of thankfulness and satisfaction that I stand here to-day among you. This year has been to the Queen-Empress and Myself one of many great ceremonies and an unusual though happy burden of toil. But in spite of time and distance, the grateful recollections of Our last visit to India have drawn Us again to the land which We then learned to love, and We started with bright hopes on Our long journey to revisit the country in which We had already met the kindness of a home.

In doing so I have fulfilled the wish expressed in My message of last July, to announce to you in person My Coronation, celebrated on the 22nd of June in Westminster

Abbey, when by the Grace of God, the Crown of My Forefathers was placed on My head with solemn form and ancient ceremony.

By My Presence with the Queen-Empress I am also anxious to show Our Affection for the loyal Princes and faithful Peoples of India, and how dear to Our hearts is the welfare and happiness of the Indian Empire.

It was, moreover, My desire that those who could not be present at the solemnity of the Coronation, should have the opportunity of taking part in its commemoration at Delhi.

It is a sincere pleasure and gratification to Myself and the Queen-Empress to behold this vast assemblage and in it My Governors and trusty Officials, My great Princes, the representatives of the Peoples, and deputations from the Military Forces of My Indian Dominions.

I shall receive in person with heartfelt satisfaction the homage and allegiance which they loyally desire to render. I am deeply impressed with the thought that a spirit of sympathy and affectionate good-will unites Princes and People with me on this historic occasion.

In token of these sentiments I have decided to commemorate the event of My Coronation by certain marks of my special favour and consideration, and these I will later on cause to be announced by My Governor-General to this Assembly.

Finally, I rejoice to have this opportunity of renewing in My Own person those assurances which have been given you by My predecessors of the maintenance of your rights and privileges and of My earnest concern for your welfare, peace, and contentment.

Rt. Hon. Mr. Montagu's Announcement of August 20, 1917.

On August 20, 1917, the Secretary of State for India made the following announcement in the House of Commons:—

“ The policy of His Majesty's Government, with which the Govt. of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-government institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be, that there should be a free and informal exchange of opinion between those in authority at Home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestions of representative bodies and others.

“ I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found

that confidence can be reposed in their sense of responsibility.

“Ample opportunity will be afforded for public discussion of the proposals which will be submitted in due course to Parliament.”

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**Extract From Lord Chelmsford's Speech
In The Indian Legislative Council ?
September 5th, 1917.**

“I now turn to the third task, viz:—Constitutional Reforms. At the very first Executive Council which I held as Viceroy and Governor-General, I propounded two questions to my council —

(1). What is the goal of British Rule in India?

(2). What are the steps on the road to that goal!

“We came to the conclusion, which, I trust most Hon'ble Members will agree, was inevitable—that the endowment of British India as an integral part of the British Empire with self-government was the goal of British Rule, and His Majesty's Government have now put forward in precise terms their policy in respect of this matter, a policy which I may say that we as the Government of India regard in substance as practically indistinguishable from that which we put forward. With regard to the second question, after a careful and detailed examination of the ground, we arrived at the decision that there were three roads along which an advance should be made towards the goal. The first road was in the domain of local self-government, the village, the rural board, and the town or municipal council. The domain of urban and rural self-government is the great training-ground from which political progress and a sense of responsibility have

taken their start, and we felt that the time had come to quicken the advance, to accelerate the rate of progress and thus to stimulate the sense of responsibility in the average citizen and to enlarge his experience.

“ The second road, in our opinion, lay in the domain of the more responsible employment of Indians under Government. We felt that it was essential to progress towards the goal that Indians should be admitted in steadily increasing proportion to the higher grades of the various services and departments and to more responsible posts in the administration generally. It is, I think, obvious that this is a most important line of advance. If we are to get real progress, it is vital that India should have an increasing number of men versed not only in the details of every day administration, but in the whole art of government.

“ I doubt whether there is likely to be any one who will cavil at the general conclusions at which we arrived as to these two roads of advance; but agreement must not blind us to their importance. There is no better source of instruction than the liberty to make mistakes. The first and foremost principle which was enunciated in Lord Ripon's Self-government Resolution of May 1882, and was subsequently, emphasised by Lord Morely and Lord Crewe in their Despatches of 7th November, 1908 and 11th July, 13 respectively, was that “ the object of local Self-Government is to train the people in the management of their own local affairs, and that political education of this sort must take precedence of more considerations of departmental efficiency.” We are in complete accord with that principle, hence our advocacy of an advance along the first road.

“ Equally we realise the paramount importance of training in administration, which would be derived from an advance along the second road. There is nothing like administrative experience to sober the judgment and bring about an appreciation of the practical difficulties which exist in the realm of administration and it is from this source that we may look forward in the future to an element of experienced and tried materials for the legislative assemblies.

“We come now to our third road, which lay in the domain of the Legislative Councils. As Hon’ble Members will readily appreciate, there is no subject on which so much difference of opinion exists and with regard to which greater need is required for careful investigation and sober decision. I may say frankly that we as the Government of India recognise fully that an advance must be made on this road simultaneously with the advances on the other two, and His Majesty’s Government, in connection with the goal which they have outlined in their announcement, have decided that substantial steps in the direction of the goal they define should be taken as soon as possible”. Some criticism has been directed against the Govt. of India on the score that we have not disclosed the policy outlined in our despatch.

I must remind Hon’ble Members that the decision on such a question rests, not with the Government of India, but with the authorities at home. Moreover, on the larger question of a declaration of policy, in view of its unique importance, I have steadfastly refused, in the face of much adverse criticism, to anticipate by any statement of my own the decision of His Majesty’s Government, who alone could make a final and authoritative statement, and I was

careful to warn Hon'ble Members in my opening speech to them last February of the likelihood of delay, owing to the grave preoccupations of the Cabinet at home. Well, this however is, I hope, now immaterial, for His Majesty's Government have announced their policy and have authorised the Secretary of State, with His Majesty's approval, to accept my invitation to visit India and to examine the issues on the spot I had invited Mr. Chamberlain to visit India some time back. He was on the point of accepting when his resignation took place. Immediately on Mr. Montagu's assumption of office I expressed the hope that he would see his way to accept the invitation which I had extended to his predecessor, and I am delighted that the Cabinet have decided that he should accept. Some apprehension has been expressed lest the Govt. of India is about to be superseded temporarily by the Secretary of State. There need be no anxiety on that score. As I have told you, Mr. Montague is coming on my invitation to consult informally with myself, the Government of India and others. He will make no public pronouncements of policy, and business between the Government of India and the Home Government will be conducted through the regular channels and the Council of India. There is no question of supersession but the outstanding advantage of Mr. Montagu's visit is that he will now have the opportunity of making at first hand an examination of the questions in issue, and for my part I shall leave nothing undone to enable him to receive all the suggestions of representative bodies and others which he may desire. In these circumstances and in view of Mr. Montagu's assurance that there will be ample opportunity for public discussion of the proposals which will be submitted in due

course to Parliament, I would suggest to Hon'ble Members that the intervening time before his arrival might be spent in the quiet examination of the arguments to be placed before Mr. Montague. For myself I am anxious that, when Mr. Montague arrives, we and in that pronoun I include all those representative bodies and others mentioned in the announcement should have ready to place before him all the materials which will enable him to form a reasoned judgment.

May the Divine favour of Providence watch over My People and assist Me in My utmost endeavour to promote their happiness and prosperity.

To all present, Feudatories and Subjects, I tender our loving greeting.

We are pleased to announce to Our People that on the Advice of Our Ministers tendered after consultation with Our Governor-General in Council We have decided upon the transfer of the seat of the Government of India from Calcutta to the ancient Capital Dehi, and simultaneously and as a consequence of that transfer, the creation at as early a date as possible of the Governorship for the Presidency of Bengal, of a new Lieutenant-Governorship in Council administering the areas of Bihar, Chota-Nagpur, and Orissa, and of a Chief Commissionership of Assam, with such administrative changes and redistribution of boundaries as our Governor-General in Council with the approval of our Secretary of State for India in Council may in due course determine. It is our earnest desire that these changes may conduce to the better administration of India and the greater prosperity and happiness of our beloved people.

Announcement by the Governor-General of India on behalf of His Majesty the King-Emperor (December 12, 1911).

To all to whom these presents may come.

By the command of His Most Excellent Majesty George the Fifth, by the Grace of God, King of United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Defender of the Faith, Emperor of India, I, His Governor-General, do hereby declare and notify the grants, concessions, reliefs, and benefactions which His Imperial Majesty has been graciously pleased to bestow upon this glorious and memorable occasion.

Humbly and dutifully submissive to His Most Gracious Majesty's will and pleasure, the Government of India have resolved, with the approval of His Imperial Majesty's Secretary of State, to acknowledge the predominant claims of educational advancement on the resources of the Indian Empire, and have decided in recognition of a very commendable demand to set themselves to making education in India as accessible and wide as possible. With this purpose they propose to devote at once 50 lakhs to the promotion of truly popular education, and it is the firm intention of Government to add to the grant now announced further grants in future years on a generous scale.

Graciously recognising the signal and faithful service of His forces by land and sea, the King-Emperor has charged me to announce the award of half a month's pay of rank to all non-commissioned officers and men and reservists both of His British Army in India and His Indian Army, to the equivalent ranks of the Royal Indian

Marine, and to all permanent employees of departmental or non-combatant establishments paid from the military estimates whose pay may not exceed the sum of Rs 50/- monthly.

Furthermore His Imperial Majesty has been graciously pleased to ordain that from henceforth the loyal Native officers, men and reservists of His Indian Army shall be eligible for the grant of the Victoria Cross for valour that membership of the Order of British India shall be increased during the decade following this His Imperial Majesty's coronation Durbar by 52 appointments in the first class, and by 100 appointments in the second class and that in mark of these historic ceremonies 15 new appointments in the First class and 19 new appointments in the second class shall forthwith be made; that from henceforth Indian Officers of the Frontier Militia corps and the Military Police shall be deemed eligible for admission to the aforesaid order; that special grants of land or assignments or remissions of land revenue, as the case may be, shall now be conferred on certain Native Officers of His Imperial Majesty's Indian Army who may be distinguished for long and honourable service; and that the special allowances now assigned for three years only to the widows of the deceased members of the Indian order of Merit shall, with effect from the date of this Durbar, hereafter be continued to all such widows until death or re-marriage.

Graciously appreciating the devoted and successful labours of His Civil Service His Imperial Majesty has commanded me to declare the grant of half a month's pay to all permanent servants in the civil employ of Govern-

ment whose pay may not exceed the sum of Rs. 50/- monthly.

Further, it is His Imperial Majesty's gracious behest that all persons to whom may have been or hereafter may be granted the titles of Dewan Bahadur, Sirdar Bahadur; Khan Bahadur, Rai Bahadur, Rao Bahadur, Khan Sahib; Rai Sahib or Rao Sahib shall receive distinctive badges as a symbol of respect and honour; and that on all holders present or to come of the venerable titles of Mahamahopadhyaya and Shamsululama shall be conferred some annual pension for the good report of the ancient learning of India.

Moreover, in commemoration of this Durbar, and as a reward for conspicuous public service, certain grants of land, free of revenue, tenable for the life of the grantee or in the discretion of the local Administration for one further life, shall be bestowed or restored in the North Western Frontier Province and in Baluchistan.

In His gracious solicitude for the welfare of His loyal Indian Princes His Imperial Majesty has commanded me to proclaim that from henceforth no Nazarana payment shall, be made upon succession to their States. And sundry debts owing to the Government by the non jurisdictional-estates in Kathiawar and Gujrat, and also by the Bhumia Chiefs of Mewar, will be cancelled and remitted in whole or in part under the orders of the Government of India

In token of His appreciation of the Imperial Service Troops certain supernumerary appointments in the Order of British India will be made.

In the exercise of His Royal and Imperial Clemency and compassion His Most Excellent Majesty has been

graciously pleased to ordain that certain prisoners now suffering the penalty of the law for crimes and misdemeanours shall be released from imprisonment, and that all those civil debtors now in prison whose debts may be small, and due not to fraud, but to real poverty, shall be discharged and that their debts shall be paid.

The persons by whom and the terms and conditions on which these grants, concessions, reliefs, and benefactions shall be enjoyed will be hereafter declared.

“God save the King.”

No VIII.

George the Fifth, by the grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India. To my Viceroy and Governor-General, to the Princes of Indian States and to all my subjects in India of whatsoever race or creed, greeting.

I. Another epoch has been reached to-day in the Councils of India. I have given my Royal assent to an Act which will take its place among the great historic measures passed by the Parliament of this Realm for the better government of India and the greater contentment of her people. The Acts of seventeen hundred and seventy-three and seventeen hundred and eighty-four were designed to establish a regular system of administration and justice under the Honourable East India Company. The Act of eighteen hundred and thirty-three opened the door for Indians to public office and employment. The Act of eighteen hundred and fifty-eight

transferred the administration from the Company to the Crown and laid the foundations of public life which exist in India to-day. The Act of eighteen hundred and sixty-one sowed the seed of representative institutions and the seed was quickened into life by the Act of nineteen hundred and nine. The Act which has now become law entrusts elected representatives of the people with a definite share in Government and points the way to full representative Government hereafter. If, as I confidently hope, the policy which this Act inaugurates should achieve its purpose, the results will be momentous in the story of human progress; and it is timely and fitting that I should invite you to-day to consider the past and to join me in my hopes of the future.

II. Ever since the welfare of India was confided to us, it has been held as a sacred trust by our Royal House and Line. In eighteen hundred and fifty-eight Queen Victoria of revered memory solemnly declared her-self bound to her Indian subjects by the same obligations of duty as to all her other subjects; and she assured them religious freedom and the equal and impartial protection of law. In his message to the Indian people in nineteen hundred and three my dear father King Edward the Seventh announced his determination to maintain unimpaired the same principles of humane and equitable administration. Again, in his proclamation of nineteen hundred and eight, he renewed the assurances which had been given fifty years before and surveyed the progress which they had inspired. On my accession to the throne in nineteen hundred and ten I sent a message to the Princes and peoples of India acknowledging their loyalty and

homage and promising that the prosperity and happiness of India should always be to me of the highest interest and concern. In the following year I visited India with the Queen-Empress and testified my sympathy for her people and my desire for their well-being.

III. While these are sentiments of affection and devotion by which I and my predecessors have been animated, the Parliament and the people of this Realm and my officers in India have been equally zealous for the moral and material advancement of India. We have endeavoured to give to her people the many blessings which Providence has bestowed upon ourselves. But there is one gift which yet remains and without which the progress of a country cannot be consummated: the right of her people to direct her affairs and safeguard her interests. The defence of India against foreign aggression is a duty of common Imperial interest and pride. The control of her domestic concerns is a burden which India may legitimately aspire to taking upon her own shoulders. The burden is too heavy to be borne in full until time and experience have brought the necessary strength; but opportunity will now be given for experience to grow and for responsibility to increase with the capacity for its fulfilment.

IV. I have watched with understanding and sympathy the growing desire of my Indian people for representative institutions. Starting from small beginnings this ambition has steadily strengthened its hold upon the intelligence of the country. It has pursued its course along constitutional channels with sincerity and courage. It has survived the discredit which at times and in places lawless men sought to cast upon it by acts of violence committed under the guise of patriotism. It has been stirred to more

vigorous life by the ideals for which the British Commonwealth fought in the Great War and it claims support in the part which India has taken in our common struggles, anxieties and victories. In truth the desire after political responsibility has its source at the roots of the British connection with India. It has sprung inevitably from the deeper and wider studies of human thought and history, which that connection has opened to the Indian people. Without it the work of the British in India would have been incomplete. It was therefore with a wise judgment that the beginnings of representative institutions were laid many years ago. This scope has been extended stage by stage until there now lies before us a definite step on the road to responsible Government.

V. With the same sympathy and with redoubled interest I shall watch the progress along this road. The path will not be easy and in marching towards the goal there will be need of perseverance and of mutual forbearance between all sections and races of my people in India. I am confident that those high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent and not to forget the interests of the masses who cannot yet be admitted to the franchise. I rely on the leaders of the people, the Ministers of the future, to face responsibility and endure to sacrifice much for the common interest of the State, remembering that true patriotism transcends party and communal boundaries; and while retaining the confidence of the legislatures, to co-operate with my officers for the common good in sinking unessential differences and in maintaining the essential standards of a just and generous Government. Equally do I rely on my officers to respect their new colleagues and to work with them in harmony and kindness; to assist the people and their representatives in an orderly advance towards free institution; and to find in these new tasks a fresh opportunity to fulfil as in the past their highest purpose of faithful service to my people.

VI. It is my earnest desire at this time that so far as possible any trace of bitterness between my people and those who are

responsible for my Government should be obliterated. Let those who in their eagerness for political progress have broken the law in the past respect it in future. Let it become possible for those who are charged with the maintenance of peaceful and orderly Government to forget extravagances they have had to curb. A new era is opening. Let it begin with a common determination among my people and my officers to work together for a common purpose. I therefore direct my Viceroy to exercise in my name and on my behalf my Royal clemency to political offenders in the fullest measure which in his judgment is compatible with public safety. I desire him to extend it on this condition to persons who for offences against the State or under any special or emergency legislation are suffering from imprisonment or restrictions upon their liberty. I trust that this leniency will be justified by the future conduct of those whom it benefits and that all my subjects will so demean themselves as to render it unnecessary to enforce the laws for such offences hereafter.

VII. Simultaneously with the new constitution in British India, I have gladly assented to the establishment of a Chamber of Princes. I trust that its counsels may be fruitful of lasting good to the Princes and States themselves, may advance the interests which are common to their territories and British India, and may be to the advantage of the Empire as a whole. I take the occasion again to assure the Princes of India of my determination ever to maintain unimpaired their privileges, rights and dignities.

VIII. It is my intention to send my dear son, the Prince of Wales, to India by next winter to inaugurate on my behalf the new Chamber of Princes and the new constitution in British India. May he find mutual goodwill and confidence prevailing among those on whom will rest the future service of the country so that success may crown their labours and progress and enlightenment attend their administration. And with all my people I pray to Almighty God that by His wisdom and under His guidance India may be led to greater prosperity and contentment and may grow to the fulness of political freedom.

December the twenty-third, nineteen hundred and nineteen.

No. 1X.

George V, by the grace of God of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King Defender of the Faith, Emperor of India:

To my Viceroy and Governor-General, to Princes of Indian States, and to all my subjects in India, of whatsoever race or creed, greeting.

In our message to you of December 23rd, 1919, we assured you of our affection and goodwill and of the deep interest with which we welcome the coming state of political development in India. As a signal token of our interest and regard we expressed our hope that our dear son, the Prince of Wales, would visit India next winter, and inaugurate on our behalf both the Reformed Legislatures and the Chamber of Princes.

That hope unhappily cannot be realised. The unceasing and devoted labours of our son in other parts of our Empire, have laid so heavy a burden upon his strength that it would not be possible for him at so early a date to undertake another protracted and arduous journey without assured danger to his health.

We have accordingly decided that his visit to India must for the present be deferred. To this decision we have come with grave reluctance and with a full appreciation of the disappointment which it will cause to the Princes and People of India, but we are confident that they will share our anxiety to safeguard the health of our dear son.

It is our full intention that the Prince of Wales shall make himself personally acquainted with our Indian Empire, its loyal peoples, and its many interests, and we propose if he has by then recovered from the fatigues of his present labours that the visit

now postponed shall be accomplished in the winter of next year.

Meanwhile, it remains our desire to mark in a special manner our sense of the momentous step which India is now taking towards greater constitutional freedom

Although it has not pleased Providence that our dear son should carry our greetings on this occasion we shall send in his stead our uncle, His Royal Highness, Field Marshal the Duke of Connaught, to inaugurate on our behalf the Chamber of Princes, the Council of State, and the Indian Legislative Assembly, to take his part in the other ceremonies which he would have performed, and to convey to the Princes and peoples of India the messages, which it had been our hope to entrust to him.

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